

**ISSUES AND CHALLENGES IN THE IMPLEMENTATION  
OF RTE ACT, 2009 IN MIZORAM: A CRITICAL STUDY**

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**ISSUES AND CHALLENGES IN THE  
IMPLEMENTATION OF RTE ACT, 2009 IN MIZORAM:  
A CRITICAL STUDY**

**BY**

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Submitted  
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**DECLARATION**

I, Ms. Diana Zorinsangi, hereby declare that the subject matter of the thesis entitled 'Issues and Challenges in the Implementation of RTE Act, 2009 in Mizoram: A Critical Study' is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or, to the best of my knowledge to anybody else; and that the thesis has not been submitted by me for any research degree in any other University/Institute.

This is being submitted to Mizoram University, Tanhril for the degree of Master of Philosophy in Education.

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Dated Aizawl

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# **CHAPTER- I**

## **INTRODUCTION**

### **1.1.0 UNIVERSALIZATION OF ELEMENTARY EDUCATION**

Universalization of Elementary Education (UEE) is a constitutional mandate. Article 45 of the Constitution stipulates, as a Directive Principle of State Policy, that the state shall endeavour to provide within a period of ten years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of fourteen years<sup>1</sup>.

Since Independence, India has made impressive progress in terms of growth of educational institutions at different levels, physical access to schooling for children, and diversification of educational programmes. Today, 18 crore children are taught by almost 57 lakh teachers in more than 12 lakh primary and upper primary schools across the length and breadth of the country. With schematic interventions from the erstwhile Operation Blackboard, Bihar Education Project, Lok Jumbish, District Primary Education Programme and the Government's current flagship programme of Sarva Shiksha Abiyan (SSA), children are estimated to have access to primary schooling within one kilometre of their habitation. Gross enrolment ratios have increased significantly over all social categories, dropout rates at primary level have declined and transition from primary to upper primary stage has improved. Decentralised academic support structures have been established in the form of

District Institutes of Education and Training (DIET) in 571 districts, and resource centres in 6746 blocks and 70388 clusters in the country. Over 12 crore children participate in Mid Day Meal programme, the world's largest school feeding programme, which impacts not only enrolment of children, but also their regular attendance in school and participation in the learning process<sup>2</sup>.

This notable spatial spread and physical access has, however, by and large not been supported by satisfactory curricular interventions including teaching learning materials, training designs, assessment systems and classroom practices or even suitable infrastructure. "Our Constitution fathers did not intend that we just set up hovels, put students there, give untrained teachers, give them bad text-books, no playgrounds and say, we have complied with Article 45 and primary education is expanding. They meant that real education should be given to our children between the ages of 6 and 14"<sup>3</sup>. Physical expansion has not adequately addressed the problem of social access. An alarming 46% children largely girls and SC/ST children drop out before completing the elementary stage of education. The country's expectations in respect of overall coverage, equitable distribution and quality of education have largely not been fulfilled.

The education system does not function in isolation from the society of which it is a part. Our social system is stratified into manifold layers based on class, caste, gender and religion. Unequal social, economic and power equations which persist deeply influence children's access to education and their participation in the learning process. This is evident in the disparities in education access and attainment between different social and economic groups. Thus, girls belonging to SC, ST and Muslim

Minority communities and children with disabilities, especially those from poor families are educationally most vulnerable. Even as the education system seeks to reach out to every child by widening access and providing school infrastructure and teachers, the issue of quality presents daunting challenges. Indian education system is known for its inequitable character – there are high fee charging schools catering to the rich and privileged and ordinary government schools between these extremes. Time has come to make a decisive intervention to change this situation so that all children irrespective of their religion, caste, class, gender and location get an education of comparable quality<sup>4</sup>.

### **1.2.0 RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION**

The crucial role of universal elementary education for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since inception of our Republic. The Directive Principles of State Policy enumerated in our Constitution lays down that the State shall provide free and compulsory education to all children up to the age of fourteen years. Over the years there has been significant spatial and numerical expansion of elementary schools in the country, yet the goal of universal elementary education continues to elude us. The number of children, particularly from the disadvantaged groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory in the case of children who complete elementary education. Article 45 of the Indian Constitution states that ‘the state shall endeavour within a period of ten years from the commencement of the constitution for free and compulsory education for all children until they complete the age of 14 years’<sup>5</sup>.



Article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law determine. Consequently, the Right of Children to Free and Compulsory Education Bill, 2008 was proposed which seeks to provide -

- (a) That every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards;
- (b) ‘compulsory education’ casts an obligation on the appropriate Government to provide and ensure admission, attendance and completion of elementary education;
- (c) ‘free education’ means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, 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;
- (d) The duties and responsibilities of the appropriate Governments, local authorities, parents, schools and teachers in providing free and compulsory education; and
- (e) A system for protection of the right of children and a decentralized grievance mechanism.

The proposed legislation was anchored in the belief that the values of equality, social justice and democracy and creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provision of

free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is, therefore, not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which are not dependent on Government funds.

The Right of Children to Free and Compulsory Education Bill having been passed by both the Houses of Parliament received the assent of the President on 26<sup>th</sup> August, 2009. It came on the Statute Book as “THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 (35 of 2009)”. A copy of the Act is given in Appendix-I. India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1<sup>st</sup> April 2010<sup>6</sup>.

To achieve the aims set out in the Right to Education Act, we need around Rs.3,50,000 crores over the next six years in addition to the current expenditure on education. In 1999, the Tapas Majumdar Committee has estimated that Rs.1,37,000 crores would be needed over a 10 year period if elementary education was to be made a fundamental right. Can we afford Rs.3,50,000 plus to ensure free and compulsory education to every child in the country? We can, provided we get our priorities right. If we fail to achieve the aims enunciated in the Right to Education Bill, we will face an acute dearth of skilled manpower to sustain the 9 percent growth achieved by our economy. So, if we are serious about improving the quality of our human capital there is no way but to give effort to the Act and ensure that every child in the country attends school and becomes a productive member in the society.

The Act, if properly implemented, is expected to open a window of opportunity for many children who are denied elementary education just because they cannot afford education. Here are some disturbing facts. 42 million children in our country in the 6-14 age group, do not attend school. Nearly 300 million children below 7 year age are illiterate. While we have produced the world's largest pool of trained scientists and engineers, nearly half of our population is illiterate, if one defines an illiterate person as one who cannot 'with understanding' read and write a short simple sentence. Fewer than half of India's children between the age of 6 and 14 attend school, with our country alone accounting for 35% of the entire world's population of children who are not in school. We are ranked 147<sup>th</sup> out of 177 countries measured for literacy by UNESCO. This is no surprise given the fact that the illiterate population of India exceeds the total combined population of the North American population and Japan.

Though the country stresses the importance of education in nation building, India spends less than 4% of its GNP on education. Financial resources should not come in the way if we are serious about making the Right to Education Act a reality. We, as a nation, lack the willpower to tackle the educational challenges that are confronting us. It is time our policy makers realise that we can never become a major economic power, leave alone compete with China, if we fail to invest in the human capital. There is no industrial society whose adult literacy rate is less than 80%. And India cannot be an exception<sup>7</sup>.

The RTE road map is derived from the timeframes mandated in the Act. It is given under the following table:

**Table 1.2.1**

<b>Sl.No</b>	<b>Activity</b>	<b>Time Frame</b>
<b>1.</b>	Establishment of neighbourhood schools	3 years (by 31 <sup>st</sup> March, 2013)
<b>2.</b>	Provision of school infrastructure: <ul style="list-style-type: none"> <li>• All weather school buildings</li> <li>• One-classroom-one-teacher</li> <li>• Head teacher-cum-Office room</li> <li>• Library</li> <li>• Toilets, drinking water</li> <li>• Barrier free access</li> <li>• Playground, fencing, boundary walls</li> </ul>	3 years (by 31 <sup>st</sup> March 2013)
<b>3.</b>	Provision of teachers as per prescribed PTR	3 years (by 31 <sup>st</sup> March 2013)
<b>4.</b>	Training of untrained teachers	5 years (by 31 <sup>st</sup> March 2013)
<b>5.</b>	Quality interventions and other provisions	With immediate effect

### **Right to Education Act Estimations**

After long, the much awaited Right to Education Bill (RTE) has been passed by the Parliament which would play an important role in achieving Universal Elementary Education in India. The success or failure of RTE would largely depend upon how effectively the Act is implemented and whether sufficient funds are allocated for the implementation of the Act.

In this direction, the first major exercise is to reliably estimate funds that would be required for successful implementation of Right to Education Act. Needless to mention that the RTE estimation should be based upon the latest available data. One such source or rather the only source of information which provides requisite set

of data is the District Information System for Education (DISE is jointly developed by MHRD, UNICEF and NUEPA). Through DISE, Sarva Shikha Abhiyan activities are being monitored and District Elementary Education Plans (DEEP) across the country are being developed annually which is largely based on rich data-set. The beauty of DISE is that it provides unit-wide/school-specific data in case of all the 1.28 million schools imparting elementary education in the country<sup>8</sup>.

One of the other important considerations is that the RTE estimation should be attempted at the national as well as for the individual State/UT level in case of all the 35 States and UT's of the country.

Perhaps the most important factor on which RTE estimation should base upon is the child population of the age group of 6-14 years. Care should be taken in correctly considering the relevant age group child population in RTE estimation.

Second most important task is projection of 6-14 year age in 2009 i.e 2008-09. The latest Census figures are available for the year 2001 but projected population made available by Office of the Registrar General of India is available upto the year 2016 which is likely to be revised once the actual 2011 Census figures are available in the light of which the existing RTE estimates will also be required to re-look in. The RTE estimates should not be considered as a one time affair; rather the exercise be repeated when more recent data is available.

As per the available projections, the 6-14 years children show a declining trend over a period of time. Between 2007-08 and 2008-09, 6-14 years age population

in India declined to 188 million from 193 million which has got serious implications for RTE. In view of this, one has to ensure that the RTE estimates are based on the current year's child population. Since the RTE estimation may be primarily based on the child population, utter care should be taken in considering the current child population<sup>9</sup>.

The other important issue is the source of information that is being used in estimating funds. So far possible, same source of information should be used in estimating all aspects of RTE Act. One set of estimation can be based upon one source of data. There may be one source of information and hence there may be one sets of RTE estimation. The most appropriate one can be retained out of a number of alternatives.

RTE estimation can be worked out in a number of ways. To begin with 6-14 years child population in the current year may be the starting point which should either be linked to correct enrolment in elementary classes (I-VIII) or be divided by the pupil-teacher ratio as specified in the RTE Act to work out number of class-rooms that would be required. Needless to mention that there are large number of unrecognised schools across the country all of which will be closed down (if not recognised). In view of this, special efforts should be taken to ensure that all the children transit from unrecognised to recognised schools<sup>10</sup>.

A number of provisions have been made in the RTE Act with regard to teachers and infrastructure in school. An independent body, if created can monitor all aspects of RTE Act on long term regular basis for which the existing information

system would also be required to further strengthened. Making available information concerning RTE Act under the public domain will be of great help.

### **RTE-SSA Committee**

Currently, SSA is implemented as one of India's flagship programmes for universalizing elementary education. Its overall goals include universal access and retention, bridging of gender and social category gaps in elementary education and enhancement in learning levels of children. SSA provides for a variety of interventions, including inter alia, opening of new schools and alternate schooling facilities, construction of schools and additional classrooms, toilets and drinking water, provisioning for teachers, periodic teacher training and academic resource support, textbooks and support for learning achievement<sup>11</sup>.

The RTE Act has important implications for the overall approach and implementation strategies of SSA, and it is important to harmonize the SSA vision, strategies and norms with the RTE mandate. The Department of School Education and Literacy set up a Committee under the Chairpersonship of Shri Anil Bordia, former Education Secretary, Government of India to suggest vis-a-vis the RTE Act. The Committee held seven meetings between September 2009 and January 2010, during which it had interaction with State Secretaries of Education, educationists, representatives of teachers' unions, voluntary organisations and civil society organisations who are in close touch with field realities, and representatives of persons working with children with special needs. Consultation with representatives of teachers' unions and civil society organisations provided important insights, inter alia, for bringing out-of-school children from disadvantaged sections into age

appropriate class, care and support in mainstream schools for children with special needs, education for girls, importance of forging partnerships with voluntary agencies and civil society organisations for developing capacities of School Management Committees (SMCs) to formulate school development plans, realigning teacher education and training systems to build learning on children's experiences and pre-knowledge. Additionally, interaction with State Secretaries of Education provided suitable inputs on issues relating to the nature of central assistance, implementation structure for SSA and RTE, and fund transfer mechanism for SSA and RTE<sup>12</sup>.

Keeping in view the mandate of RTE Act, particularly the need to provide to all children of the country education of equitable quality, Bordia Committee has been guided by the following principles:

- i) Holistic view of education, as interpreted in National Curriculum Framework 2005 with implications for a systematic revamp of the entire content and process of education with significant implications for curriculum, teacher education, educational planning and management.
- ii) Equity, to mean not only equal opportunity, but also creation of conditions in which the disadvantaged sections of the society – children of SC, ST, Muslim minority, landless agricultural workers and children with special needs, etc – can avail of the opportunity.
- iii) Access, not to be confined to ensuring that a school becomes accessible to all children within specified distance but implies an understanding of the educational needs and predicament of the traditionally excluded categories – the SC, ST and other sections of the most disadvantaged groups, the Muslim minority, girls in general and children with special needs. This interpretation



of access has been viewed by the Committee as an indispensable stipulation of the Act.

- iv) Gender concern, implying not only an effort to enable girls to keep pace with boys but to view education in the perspective spelt out in the National Policy on Education 1986/92 i.e., a decisive intervention to bring out basic change in the status of women.
- v) Centrality of teacher, to motivate them to innovate and create a culture in the classroom, and beyond the classroom, that might produce an inclusive environment for children, specially for girls from oppress and marginalized backgrounds.
- vi) Moral compulsion is composed through the RTE Act on parents, teachers, educational administrators and other stakeholders. Rather than shifting emphasis on punitive processes, the Committee has abided by this general tenor of the Act.
- vii) Convergent and integrated system of educational management is pre-requisite for implementation of the RTE law. All states must move in that direction as speedy as feasible.
- viii) Adherence to RTE stipulations – even where it seemed difficult to adhere to the timeframe laid down in the RTE law, the committee worked to find practical solutions for adherence to the Act's stipulations.

### **1.3.0 RATIONALE OF THE STUDY**

The right to education was finally made a fundamental right of Indian children in the 6-14 age group to get free and compulsory education. It was enshrined in the Indian Constitution as a Directive Principle of State Policy in Article 45 before the

86<sup>th</sup> Amendment, 2002. It was the visualization of the Founding Fathers of the Indian Constitution that took us almost 59 years to translate into reality. The 86<sup>th</sup> Amendment introduced new Article 21A, making the right to education of children from 6-14 years of age a fundamental right.

Consequently, the Right of Children to Free and Compulsory Education Bill, 2008 was proposed to be enacted and the Bill was made an Act in 2009. The Act has come into force with effect from 1<sup>st</sup> April 2010 in the whole of India except the State of Jammu and Kashmir. As such, the people of India including the state of Mizoram are supposed to be aware of the Act. But in reality, common people except few people working in the field of education are ignorant about this. Even the concerned people such as teachers and other personnel in the field of education, although aware of the existence of the Act are still ignorant about the background of RTE Act, 2009 and the provisions therein. It is felt necessary to address these issues and to present an overview of the Act in the proposed study.

The Right of Children to Free and Compulsory Education Act, 2009 as a revolutionary enabling measure, could lead India far in its commitment to an equitable and progressive society. The Act is well-intentioned but certain debatable provisions and lacunae therein require critical attention. What is more important is the aspect of implementation of the Act that raises some legitimate questions. An attempt will be made in the proposed study to address such issues.

To achieve the aims set out in the Right to Education Act, 2009, State Governments are assigned responsibilities where the state of Mizoram is not an

exception. Will the state of Mizoram be able to fulfil its duties? What problems and challenges are faced by it? What about the schools which are directly linked to children for whom the provisions have been made in the Act? What problems do they face? What problems do teachers have due to implementation of the Act? Do they take their responsibilities and problems as challenge? These and many other questions are raised in the mind of the investigator as RTE Act poses a number of challenges. As success of the implementation of the Act depends mainly on the state government and schools including the teachers, the proposed study is intended to deal with these issues.

#### **1.4.0 STATEMENT OF THE PROBLEM**

Common people including the concerned teachers and personnel are still not properly aware of RTE Act and the provisions therein. Few people who are aware of the Act criticise some provisions as they are debatable. The Act poses a number of challenges. These issues and challenges give rise to questions and queries which could be answered only through research. To answer these questions, the following problem is proposed which is stated as:

**ISSUES AND CHALLENGES IN THE IMPLEMENTATION OF RTE ACT, 2009 IN MIZORAM: A CRITICAL STUDY**

### **1.5.0 OBJECTIVES OF THE STUDY**

1. To study the evolution of RTE Act 2009
2. To critically review the provisions of RTE Act, 2009
3. To find out the challenges faced in the implementation of RTE Act 2009 in Mizoram by:
  - a) Schools
  - b) Teachers and,
  - c) State Government.

### **1.6.0 OPERATIONAL DEFINITIONS OF THE TERMS USED**

**Issue:** In the present study, issue means topic of discussion or an important topic that people are discussing or arguing about.

**Challenges:** Challenges in the present study refers to problems or difficult and demanding tasks.

**Implementation:** Implementation means making something that has been officially decided, start to happen or be used.

**RTE Act:** RTE Act means the Right of Children to Free and Compulsory Education which provides education to all children in the age group of 6-14 years which extends to the whole of India except the State of Jammu and Kashmir.

**Elementary Education:** Elementary education means the education from first class to eight class.

**Appropriate Government:** Appropriate Government as defined in the Act means:

- a) in relation to a school established, owned or controlled by the Central Government or the administrator of the Union territory, having no legislature, the Central Government;

- b) in relation to a school other than a school established, owned or controlled by the appropriate Government or a local authority, established within the territory of —
- A State, the State Government
  - A Union territory having legislature, the Government of that Union territory

In the context of Mizoram, appropriate Government implies Government of Mizoram.

**Local Authority:** Local authority as defined in the Act refers to a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village.

In Mizoram context, local authority means Local Councils under the Aizawl Municipal Council or Village Councils or Village Committee or School Management Committee or District Councils, as the case may be.

### **1.7.0: DELIMITATION OF THE STUDY**

For the purpose of collecting data from elementary schools in Mizoram, the proposed study is delimited to Aizawl District.

### **1.8.0: ORGANIZATION OF THE REPORT**

The report of the study has been divided into five chapters to facilitate a systematic presentation:

Chapter I is an introductory part which gives universalization of elementary education and right of children to free and compulsory education. Besides these, it also presents rationale of the study, statement of the problem, objectives of the study, operational definition of the terms used and delimitation of the study.

Chapter II deals with the research setting. In this chapter, brief profiles of Mizoram and Aizawl District are presented.

Chapter III deals with the methodology and procedure adopted for the present study. The research approach, population and sample, construction of tools, procedure of data collection, tabulation of data and statistical treatment of data are described in this chapter.

In Chapter IV, the analysis and interpretation of data regarding The Right of Children to Free and Compulsory Education Act 2009 is presented under the following heads:

- i) Evolution of RTE Act 2009
- ii) Critical review of the provisions of RTE Act, 2009
- iii) Challenges faced in the implementation of RTE Act 2009 in Mizoram  
by schools, teachers and State Government

Chapter V is the concluding chapter which presents the major findings, conclusions, recommendations and suggestions for further research.

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## **CHAPTER II**

### **RESEARCH SETTING**

#### **2.1.0 BRIEF PROFILE OF MIZORAM**

Mizoram is one of the seven north-east states of India, bordered by Myanmar (formerly known as Burma) to the east and south, Bangladesh to the west, and by the states of Manipur, Assam and Tripura to the north. It occupies an area of great strategic importance and has a total of 722km of international boundaries with Myanmar and Bangladesh. It lies between 21 58' and 24 35' north latitudes and 92 15' and 93 29' east longitudes. Mizoram has an area of 21,087 square kilometres. Mizoram is a land of hills. The hills run in ridges from north to south. The literal meaning of Mizoram is 'Land of the Highlanders'.

Mizoram has a pleasant climate. It is moderately cool in summer and not very cold in winter. The entire area is under the direct influence of the monsoon. It has a natural beauty which is rich in flora and fauna. Almost all kinds of tropical trees and plants thrive in Mizoram. The sides of the hills are generally covered with dense forests or bamboo jungles, except in those places where they have been cleared for jhum cultivation. Animals both large and small find their place in the jungle. Though very small in size, Mizoram forest contributes 14% of forest land of the whole of India. Extensive practice of Jhumming and hunting greatly devastates the forest wealth of the State. The influence of topography, soil, climate, water and availability

of cultivable land etc., on settlement in Mizoram is vigorous. Owing to the ruggedness of the area, more than 70% of the rural settlements are located on hill tops and hill slopes, while river valleys contain only a few settlements. The type of settlement mostly represents a particular form of settlement based on the spatial arrangement of the houses within the limits. Their form and appearances in different sub-regions can be distinguished depending on the physical and cultural elements. Generally, compact, semi-compact and linear types of settlements are dominated by climate, geologic-topographical conditions and the degree of material culture. The patterns of settlement, i.e., the actual arrangement of streets and roads, may be of several types like radial, star-shaped, 'checker-board', curricular, fan-shaped, etc. Thus, the settlement patterns in Mizoram are largely affected by factors like topography, climate, fertility of soil, availability of cultivable land and drinking water at one hand, and political and economic factors like development of road links on the other hand.

The Mizo's are one of the tribes who emigrated in the great wave from a place generally believed to be North West China. Most of these pre-historic migrations were believed to be occasioned due to tribal wars. The process of this migration to the Luseis had continued till they pillaged the borders of the British-occupied plains of the north-east India. These series of raids were serious in nature, as be judged from the facts recorded in the imperial Gazetteer of India and Alexander Mackenzie's 'The North-East Frontier of India' and, their natural result was firstly the entry of punitive columns upto the hills, and finally annexation of the Hills by the Proclamation, September 5, 1885. There are numbers of Mizo sub-groups like Lusei, Hmar, Paite, Pawi, Mara etc. Each sub-group has a number of sub-clans within it. Most of the ethnic groups at times have their own exclusive dialects and certain peculiar

traditions. With the passage of time, inter-mixing or inter-mingling results in these dialects losing their identity. Only a handful of these sub-groups like Hmar, Pawi, Paite, Mara etc. maintain their dialects today. Their dialects are of course, so closely related to the Mizo or Lusei language that they are intelligible to the Mizo speakers. The name Lushai Hills District was changed into Mizo District in 1954. In the same year, Chieftainship was abolished in Mizoram. The system of Chieftainship was replaced with a form of Panchayati Raj called Village Council. The Village Council is an elected body with delegated powers for the administration of villages and towns.

The Mizo District was transformed into Union Territory on 21<sup>st</sup> January 1972 and the name of the region was changed into Mizoram. As a sequel to the signing of the historic Memorandum of Settlement between the Government of India and the Mizo National Front in 1986, Mizoram was granted Statehood on February 20, 1987 as per Statehood Act of 1986 and it became the 23<sup>rd</sup> State of the Indian Union<sup>1</sup>.

Mizoram is thinly populated and it accounts for only 0.09 per cent of India's population. It ranks one of the lowest in India in terms of both population and its density. It has a total population of 10,91,014 according to the census 2011 out of which 5,52,339 are males and 5,38,675 females. Out of the total population, 5,29,037 (48.49 per cent) live in rural areas and 5,61,977 (51.52 per cent) in urban areas. The state has a density of 52 persons per square kilometre according to 2011 Census. The difference of density at block level is influenced by physical setting and availability of economic infrastructure at the most, and also influenced by cultural factors to an enormous extent. The sex ratio of the state as a whole is 975 during Census 2011. It is

interesting to note that, at block level, sex ratio is higher in the eastern half of the state where climatic as well as economic conditions are better<sup>2</sup>.

Mizo society is a close-knit society with no class distinction and no discrimination on ground of sex. It has been and is still deeply community based. The fabric of social life in the Mizo society has undergone tremendous change over the years. Before the British moved into the hills, for all practical purposes the village and the clan formed units of Mizo society. Although confederacies of the villages were sometimes formed for the purposes of waging wars, the first loyalty of the people was to his village and the village chief. Each village was ruled by a chief assisted by elders called Upa. The Chieftainship had been abolished and the Village Councils now take the places of the Chiefs.

### **Educational Background**

Formal educational in Mizoram started only after the arrival of the Christian Missionaries in the year 1894, by two pioneering missionaries Dr.(Rev) J.H Lorrain and Rev. F.W.Savidge. They came first as teachers and then as preachers.

It was the sheer efforts and initiatives of the pioneering missionaries that the Mizo language was abridged into writing by adopting the Roman Script. What is now called the Mizo language is Duhlian dialect spoken by the Lusei's from time immemorial. One of the beneficial results of missionary activities was the spread of education. Till the late 1952, the Church looked after the Elementary Education through Honorary Inspector of Schools. Starting with a literacy rate of 0.9 per cent in 1901 census, the State has now achieved a literacy rate of 91.85 per cent, the third

highest in India as per 2011 census. The first primary school in the State was opened in 1898, the first upper primary school in 1907 and the first high school in 1944. Most of the schools were started by the community as the Government could not open schools enough for the people or habitations. The community run and managed the schools till such time they were aided or provincialised by the Government. As the demand for educational institutions goes on increasing, many privately run and managed schools have also sprung up<sup>3</sup>.

Mizoram has a social structure that is relatively free of hierarchy and strong official intent to produce total literacy. The Government identified illiterates and organised an administrative structure that engaged officials and community leaders, and manned by “animators” who were responsible for teaching five illiterates each. Mizoram established 360 continuing education centres to handle continued education beyond the initial literacy teaching and to provide an educational safety net for school dropouts.

The important landmarks in the field of education in Mizoram are as follows:

**Table 2.1.1**

<b>Sl.No</b>	<b>Events</b>	<b>Year</b>
<b>1.</b>	First primary school	
	At Aizawl	1898
	At rural areas	1901
<b>2.</b>	Opening of the First Upper Primary School	1907
<b>3.</b>	Opening of the First High School	1944
<b>4.</b>	Establishments of the First College	1958
<b>5.</b>	First Primary School Leaving Certificate Examination	1903

6.	First Middle School Leaving Certificate Examination	1909
7.	First Matriculation examination	1948
8.	Establishment of First College of Teacher Education	1975
9.	Establishment of Mizoram Board of School Education	1975
10.	Establishment of State Council of Educational Research and Training (SCERT)	1980
11.	Establishment of Mizoram University	2000
12.	Establishment of (ICFAI) in the State	2005
13.	Establishment of 6 Mini DIET's in the State	2005
14.	Addition of Class VIII to Middle School	2010
15.	Implementation of RTE Act 2009	2010

Policy reforms for development and improvement of school education have been initiated by the state mainly through Sarva Shiksha Abhiyan (SSA) and Rashtriya Madhyamik Shiksha Abhiyan (RMSA). Some of the important policy reforms recently undertaken by the state are as follows:

- **Structural Reforms:** There exist differences in the structure of school education in the country. Mizoram is one of the 13 states/UT's in the country that adopts 7+3+2 (7 years of elementary, 3 years of secondary or high school and 2 years of higher secondary) structure of school education. In this regard, the State Government in its Cabinet Meeting has resolved to change the structure to become at par with majority of the states in the country by transferring class VIII to elementary school. The state has so far transferred VIII<sup>th</sup> class to middle schools and upper primary schools through its SSA project by upgrading them.
- **Curricular Reforms:** The state is trying its level best and put in a great effort in order to cope up with the rest of the country in terms of educational development and reforms, and have extensively considered its policies in

accordance with the National Curriculum Framework and takes positive steps towards the best and most suitable curricular changes and development for the state.

- ***Examination reforms:*** With the implementation of Right to Education Act 2009, the system of conducting Middle School Leaving Certificate Examination at the end of Class VII has been done away with and Continuous and Comprehensive Evaluation (CCE) has been introduced. With this, there is no board examination even at the end of Class VIII. Instead, students are given completion certificate

With the enactment of Right to Education Act 2009, Mizoram SSA Mission needs to emphasize on various core issues in order to fulfil the requirements at par with the Act. Being a small state having fewer resources, actual implementation of the Act is not an easy task as the Act contains various provisions which have not been accounted for in the previous years. Investment needs to increase by more than 100% in some cases where availability of infrastructure is inadequate<sup>4</sup>.

Norms and regulations for various interventions of SSA have been laid down by Ministry of Human Resource Development, Government of India for use at the state level. At the same time, states are given their freedom to develop their own norms on certain interventions. Accordingly, the state of Mizoram has prepared norms for opening of new primary schools and upper primary schools as well as upgradation of Education Guarantee Scheme (EGS) under SSA. The following conditions should be fulfilled by the schools to obtain permission for opening primary schools and upper

primary schools as well as up gradation of Education Guarantee Scheme (EGS) in Mizoram under SSA:

- Minimum Enrolment of 15 students is required for opening of new primary school/up gradation of primary EGS.
- Minimum Enrolment of 10 students is required for opening of new upper primary school/upgradation of upper primary EGS.
- Number of teachers should be fixed as per norms of SSA, which are 2 teachers per school or PTR at 1:40 for primary school and one teacher per class for upper primary school.
- It shall be considered by the Department that the school serves the real need of the locality/area where it is situated.
- It shall follow courses, curricula, syllabi and text-books prescribed by competent authority.
- It shall not make any discrimination in admitting students on ground of religion, caste or creed.
- It shall not adversely affect the enrolment of any institution of the same type/stage within 2 kilometers to its location.
- It shall not be run for profit to any individual or group of individuals.
- It shall be opened to inspection by any officer authorized to do so by the department.
- It shall employ only those teaching staff or other allied staff who are having qualification as per Government approved recruitment rules.
- It shall promptly and accurately furnish statistic reports and information as may be called for by the department or by other authorized officer/agencies.
- It shall maintain proper records and registers as may be necessary.



- It shall strictly follow school calendar prescribed by the department.
- It shall take effective steps to promote discipline and orderly behaviour on the part of the students and staff also to maintain a high moral tone in the institution.
- Each class room will be well lighted and well ventilated.
- The school should be manned by qualified teaching staff as prescribed by the department for both the schools.
- The school should have sufficient and regular source of income to meet the maintenance cost such as salary of staff, contingencies and office expenses to maintain the school at a reasonable standard of efficiency.
- The government has the power to relax the above terms and conditions and to allow an exemption under special circumstances.

As envisaged in SSA, a poor fund flow system has been established in Mizoram. All the SSA funds transferred from Government of India and State Government are transferred to the District Level Society that are further transferred/released to respective implementing agencies intervention wise.

The first and foremost task to be carried out for the successful implementation of Sarva Shiksha Abhiyan Mission Programme is to create Awareness among the community. These are done through intervention of Community Mobilization and Training. The objective of this intervention is to strengthen Community Participation in Primary Education with the ultimate aim of Community Ownership in fulfilling the objective of Universal Elementary Education (UEE).

SSA Mission in Mizoram has been involving the community in its Mission as far as possible. Apart from having a strong Village Education Committee (VEC) which looks after the education in their own respective locality following the SSA Central Norms, SSA Mission Mizoram tied a strong bond with the NGO's and Church Organisations in the State.

Civil Works is one of the most important interventions in achieving UEE. Under SSA, Civil works are carried out by constructing Block Resource Centre's, Cluster Resource Centre's, New Primary School & Upper Primary School Buildings, Reconstruction of Dilapidated and buildingless PS & UPS, Additional Classrooms, Common Toilets and Toilets separately for Girls, Drinking Water Facilities, Boundary Walls, Separation Walls, Electrifications, Ramps, Residential Hostels and provision of Child Friendly Elements.

### **Quality Education**

In the march towards quality in education, the School Education Department of Mizoram has taken various steps at different levels. The effort made in this direction was intensified with the launching of SSA in the State. As a result, there has been commendable achievement, which may be presented as follows:-

- Through the Programme of SSA, each and every Village in the state is looking forward to Quality in respect of school building and its maintenance, VEC members are given a chance to see the progress of the Programme in another villages through exposure tour.

- District Level Resource Group for enrolment drive was constituted in all districts which took various steps for reducing out of school children to zero level.
- To ensure community ownership of Education and its programmes, an MOU had been signed with Young Mizo Association (YMA), Mizo Hmeichhe Insuihkhawm Pawl (MHIP) which are the biggest Voluntary Organisations of Mizoram and two biggest Church Organisations namely Presbyterian and Baptist. They are ensured to look into minute details of Out of School Children and other activities taken by the Mission.
- Transition rate have been substantially increased in both Primary and Upper Primary Schools.

When the first exercise for implementing the Programme was started in the State in the form of Pre-Project Activities, the State Education Department was not well prepared technically. The obvious reason was that the programme was launched without ground preparation and training of personnel. There is a need of capacity building and adequate financial and manpower resources. The fact is that Mizoram being a non-DPEP state, such infrastructure and required manpower other than existing administrative set up was virtually in non-existence.

The major problems may be highlighted as below:-

- ***Lack of appropriate Mechanism***: In order to establish proper convergence amongst divergent groups and departments, proper system and mechanism is essential. In the present juncture such arrangement in the form of inter-departmental committee or a body designed for the purpose is found to be

virtually non-existent. The idea of convergence and mutual cooperation among the equals is an illusion without any authority to play leadership role for the purpose.

- ***Information Gaps:*** UEE calls for holistic and interdisciplinary approach for its realization. In spite of the desires of Government of India that all concerned department and agencies should contribute towards the achievement of the noble goals of UEE, the funds and other resources are not optimally utilized due to the absence of proper convergence. In spite of limited funds and resources overlapping, duplication and undue realization of the same cause a serious setback. It is, thus felt necessary that convergence should start with the first page of preparation of plan, implementation and till completion of the evaluation of the programmes.
- ***High cost of materials:*** Due to remoteness and distance of the location of Mizoram from the main land, cost of materials for different purposes is extraordinarily high in comparison with other states. It is thus difficult to achieve physical targets of the same standard with the same amount of unit cost for various activities.
- ***Uneven distribution of teachers:*** In spite of the repeated instruction from MHRD, Government of India vide PAB meeting minutes etc., the state could not rationalize posting of teachers. The teachers per school ratio greatly vary between rural and urban areas.
- ***Inadequacy of Annual Budget Fund for School Education:*** It is sad to mention that the budget provision for School Education is grossly inadequate for the last 10 years. It is true that the State has no provision for buildings, furniture, textbooks, learning materials etc. for the last 18 years in its Annual

Plan, causing very wide gaps in terms of infrastructural facilities of the schools.

- ***Vacant Posts:*** Due to the financial constraints faced by the State, a good number of teaching posts are lying vacant. This has beset quality improvement in the endeavour for achieving UEE in the State.
- ***Under Qualified Teachers:*** There are a large number of under qualified teachers in Primary and Upper Primary Schools. Though, qualified at the time of their initial appointment, they are now far below the minimum qualification prescribe for the posts. In view of the high standard of the courses and text-books at the elementary level, a good number of teachers are incapable of teaching the core subjects in a satisfactory manner.
- ***Management Cost:*** Presently management cost is fixed at 6% of total outlay of districts. Mizoram is a small state where size of districts are small in terms of area, population, schools, students etc. The total outlay is very small, hence the 6% for management cost could not even meet the basic requirements for management. If the said norm is not revised and amend it will not suffice the requirement of the state and district will remain a backlog in the implementation of other intervention.
- ***Research & Evaluation:*** Fund for Research, Evaluation and Supervision is fixed at Rs.1400/-per school per year. The amount works out to less than Rs.2.00lakhs per district. Hence, this norm impeded effective Monitoring, Supervision and Research etc. Since the fund permissible under norms is too meagre that district or state could not take up research studies.

The above problems and issues need serious and immediate consideration of appropriate authorities for the smooth and progressive implementation of RTE Act 2009 and the scheme of SSA in the State of Mizoram.

According to State Reports and Analysis of District Information System for Education (DISE) 2010-11, the following tables represent school management and class wise enrolment of elementary schools within the State of Mizoram<sup>5</sup>:

**Table 2.1.2**

Sl. No	State	School categories (2010-11)					
		Primary only	Primary with Upper Primary	Primary with Upper primary and Sec/Hr. Sec	Upper Primary only	Upper Primary with Sec/Hr. Sec	All Schools
1.	Mizoram	1512	347	51	981	8	2899

**Table 2.1.3**

Sl. No	State	School managements (2010-11)		
		Aided	Private Unaided	All Schools
1.	Mizoram	41	447	488

**Table 2.1.4**

Sl. No	State	Class wise enrolment (2010-11)									
		Class I		Class II		Class III		Class IV		TOTAL	
		Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
1.	Mizoram	24077	21705	18627	16855	17615	15819	15954	14618	76273	68997

**Table 2.1.5**

Sl. No	State	Class wise enrolment (2010-11)							
		Class V		Class VI		Class VII		Total	
		Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
<b>1.</b>	Mizoram	<b>15042</b>	<b>13713</b>	<b>15545</b>	<b>13318</b>	<b>14196</b>	<b>13343</b>	<b>44783</b>	<b>40374</b>

*Source: State Reports and Analysis of District Information System for Education (DISE) 2010-11*

*Note : Class VIII enrolment is not included as inclusion Class VIII in to UPS was not completed on 30<sup>th</sup> September 2010.*

### **2.2.0 BRIEF PROFILE OF AIZAWL DISTRICT**

Aizawl is the largest city as well as the capital of the state of Mizoram in India. The city is located north of the Tropic of Cancer in the northern part of Mizoram and is situated on a ridge 1132 metres above sea level, with the Tlawng river valley to its west and the Tuirial river valley to its east. In the summer, the temperature ranges from 20-30 degrees Celcius, and in the winter 11-21 degrees Celcius. The population of Aizawl strongly reflects the different communities of the Mizo ethnic people. It consists of ranges of hills running from north to south in parallel serves, separated from one another by narrow valleys with only a very small portion lying in the plains. The hills are steep and are mostly composed of tertiary rocks. The rivers at various places formed steep gorges and cut across ridges forming water gaps. There are many rivers in the Aizawl District but only a few of them are worth mentioning. The most important rivers are Tlawng (Dhaleswari), Tuirial

(Sonai) and the Tuivawl river. These rivers flow northward and falls into Barak in Assam. All the rivers in the district are fed by monsoon rain which swell rapidly while raining and recede shortly after the rain.

The climate is temperate, pleasant in summer and very cold in winter with ample rainfall during summer. The soils are dominated mainly by loose sedimentary formations, which are generally young, immature and sandy. These soils after prolonged rainfalls become soft and often cause landslide.

Aizawl district is one of the 8 districts of Mizoram state. The district is bounded on the north by Kolasib district, on the west by Mamit district, on the south by Serchhip district and on the east by Champhai district. The district occupies an area of 3576.31sq.kms. The headquarters of Aizawl district is Aizawl city, the capital of Mizoram. As of 2011, it is the most populous district of Mizoram. The district is named after the headquarters of the district, Aizawl city. In Mizo language, 'ai' also known as 'aidu' refers to a herb (one of the turmeric speci) and 'zawl' plain or field. The name of the city was probably derived from the abundance of the 'aidu' in the area during the previous years.

According to the 2011 Census, Aizawl district has a population of 404,054, roughly equal to the nation of Brunei. This gives it a ranking of 577<sup>th</sup> in India (out of a total of 640). This district has a population density of 113 inhabitants per square kilometre. Its population growth rate over the decade 2001-2011 was 24.07%. Aizawl has a sex ratio of 1009 females for every 1000 males and a literacy rate of 98.5%<sup>6</sup>.



Most of the villages in Aizawl District are separated by mountains or hills and communication between the two is very difficult. Only a few roads are linked with one another and there are no public transportation within the villages. Because of this factor, it is almost impossible for children to avail education in their neighbouring village. Therefore, the state government have to place schools in every villages where they do not have the facility even if they are not up to the norms. Though Aizawl District is considered to be the most advanced and developed district amongst the other district of Mizoram, yet there are many villages which have very poor connection with their Block headquarters and District Headquarters. This is mostly because of the geographical location of the district. Aizawl district is composed predominantly of mountainous mountain terrain and are separated from one another by narrow deep valleys which made communication sassily. Till today, there are many villages which have very poor connection with their neighbouring villages but alone district capitals. This is specially true during the long rainy season.

Mizoram is the second most literate state in India having a literacy rate of 91.58% as per 2011 census. Of the 8 districts of Mizoram, literacy percentage of Aizawl District is the highest with 98.50% in 2011 census<sup>7</sup>. The main reasons for high level of literacy in Aizawl district are:-

- Effective role played by Christian organisations.
- Community participation and role of NGO's.
- Homogenous society and above of class and caste system.
- Successful implementation of various government projects towards total literacy.
- Positive attitude towards education among the people of Aizawl District.

The role of community in the pursuit for achievement of UEE could not be over emphasized. In a programme like SSA, such participation and involvement is more needed. In Aizawl District, the management structures of SSA at various levels have been formed so as to accommodate public leaders and representative of leading NGOs viz. Young Mizo Association (YMA), Mizo Zirlai Pawl (MZP, student association), Mizo Upa Pawl (MUP, elders association), Mioz Hmeichhe Insuihkhawm Pawl (MHIP, women association). Further, all concerned departments/agencies like Social welfare, Rural Development, SCERT, DIET etc. have representative in the structure. As such SSA has been rightly said 'People's movement for education for all'. The composition of District, Circle and Village Education Committees clearly implies participation and role of community in the planning and implementation of SSA in Aizawl District.

One of the distinct features of Mizoram is gender parity in terms of enrolment, retention, achievement and participation. The performance of girls in the field of academic and co-curricular activities is better in Aizawl District. Case studies and survey reports reveal that attendance rate and promotion rate of girls students are better in Aizawl District in particular. It is also heartening to mention that community perception and attitude towards girls is quite encouraging. There is no opinion among community leaders and teachers towards girls.

- In Aizawl District, no block is eligible for NPEGEL because of high literacy rate among females. As such no proposal is made for NPEGEL.
- Identification of disabled children has been done by teachers in combination with VECs and NGOs. Trainings have been given to teachers on techniques of identification of children with disabilities. All disabled children will be

covered under SSA according to their needs subject to financial norms for IED.

- Urban deprived children like orphans, children of sex workers, bonded labourers and rag-pickers are also available in Aizawl city. In fact, this category of children are the hardest to reach. For these categories, residential camps and residential bridge courses are proposed. In addition, nutritional support and care givers training will also be provided. Existing homes for deprived children like TNT, Hnuchham Run, Hermon Children Home, Agape Centre, Hmangaihte In, Centre for Deprived Children, Rescue Home, Remand Home etc. are still swarmed with children between 6-14 years. Support and assistance will be provided for ensuring the education of these deprived children
- Under Innovative Education, it is proposed to provide certain basic needs for education like exercise books, pens, study materials and remedial teaching and guidance to girls of BPL families and in distress situation. Career guidance and counselling will be given to adolescent girls at BRCs, CRCs and in schools under this programme.
- Assessment and identification work has been undertaken with regards to children with special needs. However a great number of problems are faced due to lack of awareness among the teachers and the community and the geographical features of Mizoram is also a hindrance in reaching these children. Unavailability of materials in the market is also slowing down the process a great deal.
- In addition to girls of BPL families, boys from ST/SC need to be provided remedial teaching for slow learners to achieve quality education.

- In big towns, remedial teaching is essential for new migrants and linguistic minorities.
- Minority groups like Nepali, Bengali, Paihte, Hmar, Bru etc. need proper attention. It is proposed to attend their problems on contextual basis. Text Books are also procured for some of these minority groups as available.

Sarva Shiksha Abiyan (SSA) is a national programme for achievement of UEE in a time bound manner. It is called a ‘bottom-up-scheme’ where the whole processes revolve round the grassroot level. SSA gives significant importance to stake-holders and use-groups i.e. the community involving them in planning, implementation and monitoring of the programmes. In major UEE components like access, enrolment, retention and achievement, SSA makes great progress. Through SSA interventions like EGS/AIE centres, Universal Access have been achieved. Universal Enrolment and retention is being achieved shortly while universal achievement will be the main thrust for Aizawl District. Efforts have been made to improve quality of education to ensure attainment of relevant life skills by children through SSA programme<sup>8</sup>.

In the course of implementation of SSA, various problems have cropped up. Being a new project, many of the problems can be attributed to absence of qualified personnel for various interventions, inadequate allocation of funds for state matching share, lack of basic infrastructural facilities and low level of convergence with the existing schemes and other departments. The main problems and issues pertaining to SSA and Elementary Education in Aizawl District are briefly enumerated below:-

- Lack of qualified personnel and understaffing at various structures
- Inadequate allocation of funds for state matching share towards SSA

- Lack of basic infrastructure
- Lack of proper convergence and linkages
- Ignorance and lack of interest
- Inadequate state budget
- Absence of training institutes for administrative officers
- Understaffing of teachers at rural areas
- High cost of text books

According to State Reports and Analysis of District Information System for Education (DISE) 2010-11, the following tables represent school management and class wise enrolment of elementary schools within Aizawl District<sup>9</sup>:

**Table 2.2.1**

Sl. No	District	School categories (2010-11)					
		Primary only	Primary with Upper Primary	Primary with Upper primary and Sec/Hr. Sec	Upper Primary only	Upper Primary with Sec/Hr. Sec	All Schools
1.	Aizawl	<b>279</b>	<b>169</b>	<b>46</b>	<b>196</b>	<b>8</b>	<b>698</b>

**Table 2.2.2**

Sl. No	District	School managements (2010-11)		
		Aided	Private Unaided	All Schools
1.	Aizawl	<b>29</b>	<b>138</b>	<b>167</b>

**Table 2.2.3**

Sl. No	District	Class wise enrolment (2010-11)									
		Class I		Class II		Class III		Class IV		TOTAL	
1.	Aizawl	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
		6525	5977	5686	5112	5625	5095	5573	5144	23409	21328

**Table 2.2.4**

Sl. No	State	Class wise enrolment (2010-11)							
		Class V		Class VI		Class VII		Total	
1.	Aizawl	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
		5216	4708	5519	4794	5539	5044	16274	14546

*Source: State Reports and Analysis of District Information System for Education (DISE) 2010-11*

*NOTE: Class VIII enrolment is not included as inclusion Class VIII in to UPS was not completed on 30<sup>th</sup> September 2010.*

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# **CHAPTER III**

## **METHODOLOGY**

The methodology adopted by the investigator in the present study is discussed under the following heads:

1. Research Approach
2. Population and Sample
3. Construction of Tools
4. Procedure of Data Collection
5. Tabulation of Data
6. Statistical Treatment of Data

### **3.1.0 RESEARCH APPROACH**

The present study mainly adopts historical and descriptive approaches to research. The study is historical as it traces the evolution of RTE Act, 2009. It is descriptive or analytical in the sense that it critically reviews the provisions of RTE Act, 2009 and analyses the challenges faced in the implementation of the Act in Mizoram by schools, teachers and the state government. It is also a qualitative research as data are mainly analysed qualitatively.



### 3.2.0 POPULATION AND SAMPLE

The present study is based upon three independent samples drawn from the following populations:

- 1) Population of elementary schools
- 2) Population of elementary school teachers
- 3) Population of State Government officials

I. **Population and sample of elementary schools:** All elementary schools in Aizawl District form the population for schools for the purpose of studying the challenges faced in the process of implementation of RTE Act, 2009. As per District Information Systems for Education on State Reports and Analysis 2009-2011, there are 475 Government and 138 private unaided elementary schools in Aizawl District. Out of these schools, 21 Government and 6 private unaided elementary schools were selected as samples by following random sampling technique. List of sample elementary schools is given in Appendix-II.

II. **Population and sample of elementary school teachers:** The second population comprises of all the teachers of elementary schools in Aizawl District for the purpose of studying the challenges faced by them in the process of implementation of RTE Act, 2009. As per the information received from SSA official, there are 2995 Government and 2000 private unaided elementary school teachers in Aizawl District at present. All the teachers of sample elementary schools in the District who were present in the schools on the day of visit constituted the samples. The number of these teachers came up to 83 in the case of Government and 58 in the case of private unaided elementary schools.

III. **Population and sample of State Government Officials:** All Government officials responsible for the implementation of RTE Act, 2009 constitute the population. Two Government officials that is, State Project Director, Sarva Shiksha Abhiyan (SSA) Mission and Deputy Director of State Council of Educational Research and Training (SCERT), Mizoram, were purposively selected as sample of the State Government officials. This was done due to the fact that SSA is the flagship programme that is the main vehicle to implement RTE and SCERT is the specified academic authority and curriculum making body for elementary education in Mizoram.

### **3.3.0 CONSTRUCTION OF TOOLS**

In order to collect the necessary data, the following tools were constructed:

- i) Questionnaire for Headmasters for collecting information about the challenges faced by the schools
- ii) Questionnaire for teachers for eliciting the required data relating to challenges faced by them
- iii) Interview Schedule for official of State Government for eliciting information about the challenges faced by them

A brief description of the procedure followed in construction of each tool is given as under:

### **3.3.1 Construction of Questionnaire for Headmasters for Collecting Information about the Challenges Faced by the Schools**

Due to non-availability of ready-made tool that could be used straightaway for this type of study, there was a need for developing a tool in the light of the problem under study. Since the present study was related to the challenges faced by the schools, it was decided to prepare a questionnaire through which needed information could be gathered from Headmasters. To begin with, The Right of Children to Free and Compulsory Education Act, 2009 and the model rules on the Act for the State of Mizoram and the provisions meant for schools were carefully studied with a view to getting a clear idea about the tool to be used for the present study. Discussions on various issues relating to the present study were constantly held with experts as well as the supervisor and necessary guidance and suggestions were obtained. It was then decided that the questionnaire should cover all the provisions meant for schools under RTE Act, 2009.

After thorough study of the provisions, questions related to each provision were prepared. So the Questionnaire meant for the Headmasters was then typed which had 13 questions and was distributed to a sample of 27 schools within Aizawl District. A copy of the same has been given in Appendix-III.

### **3.3.2 Construction of Questionnaire for Teachers for Eliciting the Required Data Relating to Challenges Faced by them**

For construction of this type of questionnaire, again there was a need for developing a tool in the light of the problem under study due to the absence of ready-made tool that could be used right away for the present study. Since this study was also related to the challenges faced by the teachers, it was decided to prepare a questionnaire through which needed information and data could be elicited from the teachers. In order to begin with the tool, The Right of Children to Free and Compulsory Education Act, 2009 and the model rules of the Act for the State of Mizoram and the provisions meant for the teachers were carefully studied so that clear idea could be obtained about the tool to be used for the present study. The draft items were subjected to expert's and supervisor's comments. The final version had 9 questions and was distributed to 141 teachers in different sample schools within Aizawl District. A copy of the same has been given in Appendix-IV.

### **3.3.3 Construction of Interview Schedule for Official of State Government for Eliciting Information about the Challenges Faced by the State Government**

For studying the challenges faced by the official of State Government, it was decided to construct an interview schedule. To decide what type of interview schedule to be framed, The Right of Children to Free and Compulsory Education, 2009 and the model rules of the Act for the State of Mizoram and the provisions meant for the Government were again carefully studied in order to get a comprehensible idea about the tool to be used for this study. Suggestions and advice of supervisor as well as experts were sought during the different phases of construction of this schedule. The

final version of interview schedule was then carried out which consisted of 21 questions. A copy of the same has been given in Appendix-V.

### **3.3.4 Validity of Questionnaire and Interview Schedule**

A single over all index of validity for questionnaire and interview schedule could not be established since they were constructed so that obtained data could be considered in the light of many other factors. However, there are ways to improve the validity of questionnaire and interview schedule. To make sure that questionnaire and interview schedule measure what they proposed to measure, the following principles were kept in mind while selecting and framing the statements:

1. It was ensured that items included in the schedule sample a significant aspect of the purpose of investigation.
2. At the time of administering these schedules, various terms used in the schedules were clearly defined to the respondents.
3. In order to remove the ambiguities in the questions, suggestions and opinions from colleagues, supervisor and experts in the field were elicited.
4. It was also ensured that the interview schedules cover reasonably well the range of variables under study.

### **3.4.0 PROCEDURE OF DATA COLLECTION**

Primary data for the present study were collected by visiting sample elementary schools in the district of Aizawl thereby administering the tools meant for them. While visiting schools for data collection, data about the challenges faced by the teachers were also collected by administering questionnaire prepared for them. Primary data were also collected by conducting an interview with the concerned

official of State Government. Apart from this, secondary data were collected from books, journals, office documents and other relevant sources.

### **3.5.0 TABULATION OF DATA**

The mass of data collected through various tools were properly edited and classified before tabulating them. The classified materials were recorded in accurate mathematical terms, that is, marking and counting frequency tallies for different items on which information was gathered. The raw data obtained through different tools were thus arranged orderly in columns and rows and then displayed in compact form, that is, in the form of statistical tables for further analysis.

### **3.6.0 STATISTICAL TREATMENT OF DATA**

The data obtained in relation to the challenges faced by different schools, teachers and the State Government in the implementation of RTE Act, 2009 in Mizoram were tabulated in terms of frequencies and percentages. Item-wise analysis was mostly carried out. The results obtained were descriptively and qualitatively analysed.

## **CHAPTER IV**

### **ANALYSIS AND INTERPRETATION OF DATA**

The passing of the Right to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. It serves as a building block to ensure that every child has his or her right (as an entitlement) to get a quality elementary education, and that the state with the help of families and communities, fulfils this obligation. Few countries in the world have such a national provision to ensure both free and child-centred, child friendly education. All children between the ages of 6 and 14 shall have the right to free and compulsory elementary education in a neighbourhood school. There is no direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) to be borne by the child or the parents to obtain elementary education. The government will provide schooling free of cost until a child's elementary education is completed. There was an estimated eight million 6 to 14 years old in India out-of-school in 2009. The world cannot reach its goal to have every child complete primary school by 2015 without India.

The present study traces the evolution of RTE Act, 2009 and critically reviews the provisions therein. It also addresses the challenges faced in the implementation of RTE Act, 2009 by schools, teachers and the State Government.

To present the analysis and interpretation of data in a more meaningful and systematic way, this chapter has been organised under the following sections

Section I: Evolution of RTE Act, 2009

Section II: Critical review of the provisions of RTE Act, 2009

Section III: Challenges faced in the implementation of RTE Act, 2009 in Mizoram by Schools, Teachers and State Government

## SECTION - I

### 4.1.0 EVOLUTION OF RTE ACT 2009

*“I beg to place the following resolution before the council for its consideration. The state should accept in this country the same responsibility in regard to mass education that the government of most civilized countries are already discharging and that a well considered scheme should be drawn up and adhered to till it is carried out. The well being of millions upon millions of children who are waiting to be brought under the influence education depends upon it”<sup>1</sup>*

The above words are part of the resolution which Gopal Krishna Gokhale moved in the Imperial Legislative Council on 18th March, 1910 for seeking provision of “Free and Compulsory primary Education” in India. This initiative must however be seen as part of the following sequence of events:

**1870:** Compulsory Education Act passed in Britain

**1882:** Indian leaders demand provision for mass education and Compulsory Education Acts



- 1893:** Maharaja of Baroda introduces Compulsory Education for boys in Amreli Taluk
- 1906:** Maharaja of Baroda extends Compulsory Education to rest of the state
- 1906:** Gopal Krishna Gokhale makes a plea to imperial Legislative Council for introduction of Free and Compulsory Education
- 1910:** Gokhale proposes Private Members Bill (Rejected)
- 1917:** Vithalbhai Patel is successful in getting the Bill passed – First Law on Compulsory Education passed (popularly known as Patel Act)
- 1918:** Every province in British India gets Compulsory Education Act on its 1930 Statute Book
- 1930:** Hartog Committee Recommendation for better quality (less focus on quantity) hinders spread and development of primary education

However, many of the above initiatives were not seriously implemented; lack of resources and enforcement being the chief reasons.

### **Mahatma Gandhi's Contribution to the Demand**

The situation worsened over the years forcing Mahatma Gandhi to give a stirring call for universal education in 1937. His plea for adequate finances for universal education was met with a response that if at all, the way was to utilize revenues from liquor sales. That meant he had to either give up his stand on prohibition, or his plea for universal education with state support which he expressed quite plainly: “the cruellest irony of the new reforms lies in the fact that we are left with nothing but liquor revenue to fall back upon in order to give our children education. He solved what he called the “education puzzle” by proposing self-funded education, in what came to be known as ‘nai talim’ later”.

## **Arrival of the Original Article 45 of the Constitution**

**1946:** Constituent assembly began its task

**1947:** Ways and Means (Kher) Committee set up to explore ways and means of achieving Universal Elementary Education within ten years at lesser cost

**1947:** Constituent Assembly Sub Committee on Fundamental Rights places free and compulsory education on list of Fundamental Rights:

*“clause 23- Every citizen is entitled as of right to free primary education and it shall be the duty of the state to provide within a period of ten years from the commencement of this Constitution for free and compulsory primary education for all children until they complete the age of fourteen years”<sup>2</sup>*

**1947(April):** Advisory Committee of the Constituent Assembly rejects free and compulsory education as a fundamental right (costs being the reason). Sends clause to list of “non-justiciable fundamental rights (later termed as Directive Principles of State Policy).

**1949:** Debate in Constituent Assembly removes the first line of ‘Article 36..... “every citizen is entitled as of right to free primary education and it shall be the duty of the state to”.....and replaces it with “The state shall endeavour to...”. Why was the word primary education removed? According to Sh B.R. Ambedkar, “a provision has been made in Article 18, to forbid any child being employed below the age of 14. Obviously if the child is not to be employed below the age of 14. The child must be kept occupied in some educational institution. That is the object of Article 36”<sup>3</sup>

**1950:** Finally, Article 45 of Directive Principles of State Policy accepted, “*the State shall endeavour to provide within a period of ten years from the*

*commencement of this Constitution, for free and compulsory education for all children until complete the age of 14 years”<sup>4</sup>.*

This denied a justiciable right. The inadequacy of the final Article 45 was foreseen by K.T. Shah in his note of dissent in April 1947 thus:

“Once an unambiguous declaration of such a (justiciable) right is made, those responsible for it would have to find ways and means to give effect to it. If they had no such obligation placed upon them, they might be inclined to avail themselves of every excuse to justify their own inactivity in the matter, indifference or worse”<sup>5</sup>.

These words of K.T. Shah proved prophetic. On the fate of Article 45 after Independence, the noted Gandhian economist L.C. Jain has observed that there was no reference to education in any of the budget speeches during the ten year period after the adoption of the Constitution, which was the time target envisaged by Article 45. It should therefore be clear that the plea of lack of resources made even Gandhi think of alternative methods, the Babasaheb Ambedkar to accept dropping the draft Article 36 from the final Constitution. Many shortcomings of the 2009 Act, like excluding 0-6 and 14-18 age group stem from the same lack of resources argument, and even the fate of the implementation of 2009 Act will crucially depend on the availability and proper utilization of adequate finances. In this context, where it is heartening that the Prime Minister in his unprecedented address to the nation on the Act on April 1, 2010 said that financial availability will not be allowed to hamper the implementation of the Act, one hopes that this promise to the nation will inform state policy in the coming years.

The Supreme Court in 1993 held free education until a child completes the age of 14 years to be a right (Unnikrishnan and other Vs State of Andhra Pradesh and others) by stating that: *“The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is, however no an absolute right. Its content and parameters have to be determined in the light of Articles 45 and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of 14 years. Thereafter, this right to education is subject to the limits of economic capacity and development of the State”*<sup>6</sup>

Spurred by the Unnikrishnan judgement and a public demand to enforce the right to education, successive governments from 1993 worked towards bringing a constitutional amendment to make education a fundamental right. This led to the 86<sup>th</sup> Amendment in December 2002 which inserted the following articles in the Constitution:

1. **Insertion of new Article 21 A-** After Article 21 of the Constitution, the following article shall be inserted namely- Right to Education  
“21 A- The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner, as the State may, by law determine”
2. **Substitution of new article for Article 45-** For Article 45 of the Constitution, the following article shall be substituted namely- Provision for early childhood care and education to children below the age of six years.  
“45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”.

### **86th Amendment diverted from Unnikrishnan judgement**

The original Article 45 of the Directive Principles had used the term ‘up to 14 years’ and the Unnikrishnan judgement said ‘till he completes the age of 14 years’. Both these definitions contain the age group 0-14 years. Article 21 A restricted the age group from 6-14 thereby removing the 0-6 age group from the right; relegating it to the new Article 45 of the Directive Principles. The Unnikrishnan judgement had further observed that the right to education existed and would not be contingent upon the economic capacity of the state up to 14 years of age. Article 21 A said that it would come into force ‘in such manner, as the State may, by law, determine’. So it was made contingent on a law that the state may bring in. This Act is that law, and it took another eight years to come since the 86<sup>th</sup> Amendment was passed. So it took seventeen years for the right to be enforced since the Unnikrishnan judgement, that too from the restricted age group of 6-14 years. It may be noted here that it was the Parliamentary Standing Committee on education that recommended the age group of 6-14 years from the eventual 86<sup>th</sup> Constitutional Amendment, paving the way for the restricted age group.

### **Sequence of Events Leading to RTE Act 2009**

After the 86<sup>th</sup> Amendment in December 2002, the following actions took place:

- **2003:** The Free and Compulsory education for Children Bill, 2003 (NDA Government)
- **2004:** The Free and Compulsory Education Bill, 2004 (NDA Government)
- **2005:** The Right to Education Bill, 2005 June (CABE Bill) (UPA I Government)

- **2005:** The Right to Education Bill, 2005 August (UPA I Government)
- **2006:** Central legislation discarded. States advised to make their own Bills based on The Model Right to Education Bill, 2006 (UPA I Government)
- **2008-2009:** Central legislation revived. The Right of Children to Free and Compulsory Education Bill, 2008, introduced/passed in Lok Sabha and Rajya Sabha and received the assent of the President in August 2009. However, the notification of the Act, and the 86<sup>th</sup> Amendment, issued on February 19, 2010 in the Gazette of India, stated that implementation will begin from April 1, 2010, eight months after the presidential assent.

### **Developments Since RTE Enactment**

The Right of Children to Free and Compulsory Education Act, 2009 came into force in the whole of India except the state of Jammu and Kashmir from 1<sup>st</sup> April, 2010<sup>7</sup>. India became one of the 135 countries to make education a fundamental right of every child. Some of the developments since the enactment of RTE are:

- Central RTE Rules:** The Central Rules titled “The Right of Children to Free and Compulsory Education Rules, 2010” were notified in the Official Gazette on 9<sup>th</sup> April, 2010. These rules are applicable to the Union Territories without Legislature.
- Model RTE rules:** The Model RTE Rules were shared with the States in the meeting of State Education Secretaries held on 30th January, 2010.
- Notification of NCTE as authority to prescribe Teacher Qualifications:** Section 23(1)<sup>8</sup> of the Act states that “Any person possessing such minimum qualifications as laid down by an academic authority authorized by the Central Government by notification shall be eligible for appointment as a

teacher”. Consequentially, the Central Government has issued notification dated 5<sup>th</sup> April, 2010 authorizing the National Council for Teacher Education (NCTE) as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher.

- (iv) ***Teacher Qualifications prescribed by NCTE:*** NCTE has prescribed the Teacher Qualifications for appointment of teachers as per section 23 of the RTE Act<sup>9</sup>. Further, NCTE has also developed Guidelines for conducting the Teacher Eligibility Test (TET)
- (v) ***Notification under section 7 and 29 of the RTE Act:*** Section 7 (6) (a) states that “central government shall develop a framework of national curriculum with the help of academic authority specified under section 29”. Further, Section 29 (1) of the Act States that “the curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate government by notification”. The Central Government has issued notification on 5<sup>th</sup> April, 2010 for National Council of Educational Research and Training (NCERT) to be the academic authority under section 29 for laying down the curriculum and evaluation procedure for elementary education in respect of UT’s without legislature and to develop a framework of national curriculum under section 7(6)(a) of the Act. The Central Government has also clarified that the NCF-2005 will be the national curriculum framework till such time as the Central Government decides to develop a new framework<sup>10</sup>.
- (vi) ***Constitution of National Advisory Council under section 33:*** The National Advisory Council (NAC) has been constituted to advise the Central Government on the implementation of the provisions of the RTE Act. In a

recent meeting of the NAC, six task forces were constituted, viz., (i) Child Entitlements (ii) Teacher Recruitment, Deployment, Education and Development, (iii) Curriculum and Pedagogy, (iv) Community Mobilization and Public Awareness, and (v) Equity and Inclusion

(vii) ***Revision of fund sharing pattern between the Centre and the States:*** The fund sharing pattern between the Centre and the States, originally approved for Sarva Shiksha Abhiyan for the duration of the 11<sup>th</sup> Plan, was on a sliding scale viz. 65:35 during the first two years of the 11<sup>th</sup> Five Year Plan, 60:40 in third year, 55:45 in the fourth year and 50:50 thereafter (90:10 for NE States). This has been replaced with a new funding pattern of 65:35 applicable from 2010-11 (90:10 for NE States) for period of 5 years with effect from 2010-11. Central Government has also approved an outlay of Rs.2,31,233crore for implementation of the combined RTE-SSA programme for the five year period of 2010-11 to 2014-15. The outlay of Rs.2,31,233crore is supported by Grant-in-Aid of Rs.24,068crore recommended by the 13<sup>th</sup> Finance Commission to the States during the next 5 years. The balance requirement of Rs.2,07,165crore would be shared between the Centre and the States in the ratio of 65:35 for all States/UT's.

(viii) ***Aligning SSA norms with RTE:*** The Government had set up a Committee on the Implementation of RTE and the resultant Revamp of SSA under the chairpersonship of Shri Anil Bordia, former Education Secretary. Based on Committee's Report Government has revised the SSA Framework of Implementation and norms. The Revised Framework of Implementation for SSA was approved by the Executive Committee for SSA on 1<sup>st</sup> February 2011 and by the National Advisory Council for RTE on 2<sup>nd</sup> March 2011.



- (ix) **Enhancement of outlays for the year 2010-11:** The Central Government has enhanced the budgetary outlays for the year 2010-11 from Rs.15,000crore (BE) to Rs.10,800 (RE). The outlay of Rs.19,800crore represents a 45% enhancement over the outlay for the year 2009-10.
- (x) **Supplementary Plan approved for 2010-11:** Over and above the Annual Work Plans and Budget for the year 2010-11, the Project Approval Board for SSA has approved Supplementary States. Thus, against the key interventions under RTE, the Government has approved the following for the year 2010-11:

**Table 4.1.1**

Sl. No	Item	Projected for meeting	Approved in
	RTE Provisions	2010-2011	
1.	Additional Teachers	5.08lakh	4.55lakh
2.	Part time instructors for Art Education, Physical education and Work education	3.10lakh	1.33lakh
3.	Additional Classrooms	14.25lakh	2.74lakh

- (xi) **Proposed Amendment to the Act:** MHRD has received representations from organizations: (a) working for the welfare of the children with disabilities and (b) who set up minority institutions, seeking certain Amendments to the RTE Act. Amendments to the principle Act have been introduced in the Rajya Sabha.
- (xii) **Awareness Generation, Consultations:** The Ministry organised a series meetings in June 2010 with Ministries of Education of the States of Bihar, Uttar Pradesh, West Bengal, Orissa, Rajasthan, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Assam, Meghalaya, Sikkim, Mizoram,

Manipur, Nagaland, Arunachal Pradesh to generate awareness on teacher related issues, including inter alia the provisions mandating that pupil teacher ratios prescribed under the RTE Act are maintained, not merely as an average for a block, district or State but specifically for each school. This entails concerted action to redeploy exiting teachers to address rural-urban imbalance in deployment, reviewing the existing teacher recruitment rules to ensure that they conform to the teacher qualifications prescribed by the NCTE, and expediting processes for recruitment of teachers to fill up vacancies in the State sector as also SSA. This was followed with a meeting of all Ministers of Education to reiterate the importance of instituting reform in teacher recruitment, placement and deployment.

## **SECTION- II**

### **4.2.0 CRITICAL REVIEW OF THE PROVISIONS OF RTE ACT, 2009**

The Right of Children to Free and Compulsory Education Act, 2009, popularly known as the Right to Education (RTE) Act, came to being in India from April 1 2010. The Act introduces a number of changes in education delivery through schools in India. Many of the changes are simply revolutionary, and if they are implemented properly will vastly improve the system of imparting education in the country. The Act is a landmark in the history of education related legislation in India. However, some of the provisions of the Act, although included with noble intentions, will have unintended consequences that might counter some of the advantages of the new system itself. The Right of Children to Free and Compulsory Education Act, 2009, as published in the Gazette of India makes for interesting reading. There are a

number of critiques of some of the provisions of the Act and suggestions of what could be done better. The Act has been criticized for being hastily-drafted, not consulting many groups active in education, not considering the quality of education, infringing on the rights of private and religious minority schools to administer their system, and for excluding children under six years of age. Many of the ideas are seen as continuing the policies of Sarva Shiksha Abhiyan of the last decade, and the World Bank funded District Primary Education Programme (DPEP) of the 90's, both of which, while having set up a number of schools in rural areas, have been criticized for being ineffective and corruption-ridden<sup>11</sup>.

Well-known educationist Anil Sadagopal said of the hurriedly-drafted Act:

“It is a fraud on our children. It gives neither free education nor compulsory education. In fact, it only legitimates the present multi-layered, inferior quality school education system where discrimination shall continue to prevail”<sup>12</sup>.

The petitioners against RTE Act, 2009 have alleged that the Act violates the fundamental right of private unaided schools provided under Article 19 (1)(g) of the Constitution and that of minority schools under Article 29 and 30 of the Constitution. According to the petition, a flaw in the RTE Act is that it completely fails to acknowledge the issue of quality education. The Act discriminates between children as it applies the faulty concept of neighbourhood schools, does not say anything about pre-primary education for children between the age of 3 to 6 years and does not mention learning levels of children<sup>13</sup>. Some other flaws under RTE Act, 2009 are as under —

**Inputs and Outputs Outcomes:**

The Act is excessively input-focussed rather than outcomes-oriented. Even though better school facilities, books, uniforms and better qualified teachers are important, their significance in the Act has been overestimated in the light of inefficient, corrupt and unaccountable institutions of education provision in India.

**School Recognition:**

The Act unfairly penalises private unrecognised schools for their payment of market wages for teachers rather than elevated civil service wages. It also penalises private schools for lacking the infrastructural facilities defined under a Schedule under the Act. These schools, which are extremely cost-efficient, operate mostly in rural areas or urban slums, and provide essential educational services to the poor. Independent studies by Geeta Kingdon, James Tooley and ASER 2009 suggest that these schools provide similar if not better teaching services when compared to Government schools, while spending a much smaller amount. However, the Act requires Government action to shut down these schools over the coming three years.

**School Management Committee (SMCs):**

By the Act, the SMCs are to comprise of mostly parents, and are to be responsible for planning and managing the operations of government and aided schools. SMCs will help the accountability of government schools, but SMCs for government schools need to be given greater powers over evaluation of teacher competencies and student's learning assessment. Members of SMCs are required to volunteer their time and effort. This is an onerous burden for the poor. Turning to

private but aided schools, the new role of SMCs for private 'aided' schools will lead to a breakdown of the existing management structures<sup>14</sup>.

### **Teachers:**

Teachers are the cornerstone of good quality education and need to be given market driven compensation. But the government has gone too far by requiring high teacher salaries averaging close to Rs. 20,000 per month. These wages are clearly out of line, when compared with the market wage of a teacher, for most schools in most locations in the country. In the RTE Act, proper disciplinary channels for teachers have not been defined.

### **25% reservation in private schools:**

The Act and the Rules require all private schools (whether aided or not) to reserve at least 25% of their seats for economically weaker and socially disadvantaged sections in the entry level class. These students will not pay fees. Private schools will receive reimbursements from the government calculated on the basis of per child expenditure in government schools. But even though the Government of India is to give reimbursement of expenditure so incurred to the extent of per child expenditure, till today, no such reimbursements have been given in private schools<sup>15</sup>. Greater clarity for successful implementation is needed in India on:

- How will weaker and disadvantaged sections be defined and verified?
- How will the government select these students for entry level classes?
- Would the admission lottery be conducted by neighbourhood or by entire village/town/city? How would the supply demand gaps in each neighbourhood be addressed?

- What will be the mechanism for reimbursement to private schools?
- How will the government monitor the whole process? What type of external vigilance/social audit would be allowed/encouraged in the process?
- What would happen if some of these students need to change school in higher classes?

Moreover, the method for calculation of per-child reimbursement expenditure (which is to exclude capital cost estimates) will yield an adequate resource flow to private schools. It will be tantamount to a tax on private schools. Private schools will end up charging more to the 75% of students – who are paying fees – to make space for the 25% of students they are forced to take. This will drive up fees for private schools (while government schools continue to be taxpayer funded and essentially free).

### **Decisions relating to screening and failing students (Section 16)**

***No failing allowed:*** Section 16 of the RTE Act states that no child shall be failed in any class or expelled from school till he or she completes elementary education. The Act also provides for special training for students who are deemed to be deficient and deserving of extra help. The government reasons that failing a child is wrong, no matter the level of learning deficiency the child exhibits with respect to his or her peers. Any such deficiencies the government thinks, can be made up through special training provided by the school authorities under Section 4 of the Act<sup>16</sup>. The intention of this rule is no doubt to support those children who are not able to attain the level of performance required to gain admission into the next class. Through this provision, the government wants to reinforce that performance standards are relative, that failing

a child is an unjust mortification for the child's persona, and that a child younger than 14 is too young to be explicitly classified as deficient compared to his or her peers. While all these reasons hold good, a number of issues that remain unaddressed in the opinion of some critics are:

- 1) **Skill Development:** While it is true that failing may well cause the child to intensely doubt his or her abilities, the government fails to appreciate that failing a child also serves as a protective mechanism. Under the mechanism of failing, a child whose skills are clearly deficient with respect to his or her peers is held back in the same class and denied promotion. Failing therefore also acts as a protective mechanism, allowing a child to spend more time in the same class to make sure that he or she gains commensurate with his or her peers, and acts as a crucial aid in skill development. Under the new system, however, the child graduates to the next class regardless of performance or skill level in the previous one. The system then provides for special attention for such a child in the higher class to make up the deficiency in skills and ability. The embarrassment of failing, which under a system of failing a weak student is corrected in the first stage of inadequacy, now carries over into senior classes. This only accentuates the embarrassment that a child faces because of an increasingly steep learning curve which he or she finds ever more difficult to negotiate as compared to his or her peers. As a consequence, the child faces academic seclusion in the higher class.
- 2) **No Feedback Mechanism:** Failing also acts as an important feedback mechanism, making the child and his parents and teachers aware that the child is deficient in critical skills. It also acts as feedback for teachers – if more students fail in a teachers's class than those in other teacher's classes, the

teacher's methods and effectiveness should be put under the scanner. However, under the new system, when every child is promoted to the next class irrespective of performance, both parents and teachers in general put in less of a marginal effort to ensure development of the child. The onus to support the child is passed from teachers and parents to schools, and rarely, if ever, will teachers be held accountable for falling standards of teaching. Similarly, the incentive for children to learn is diminished, because the fear of failure and the repercussions of non-performance are removed. No doubt, all consuming interest rather than fear should be the motive for sustained academic development of children but a system that ensures less accountability for all concerned (students, parents and teachers) in no way creates a case for substituting 'fear' with 'interest'.

- 3) **Postponing development does not work:** One reason often put forward is that failing creates a frustration and lack of confidence in the child, causing them to drop out of school. However, a child that is deficient in skills, will find it even harder to catch on in a senior class. The frustration and inclination to quit will therefore be even stronger. Ultimately, the child may be inclined to drop out of school in frustration with the system rather than with just a particular teacher or class. With the latter, there is still hope to bring the child back into the system. With the former, even that is gone.
- 4) **Inability to deal with failure:** A child who does not learn the value of accountability, performance and hard work in the initial stages of its schooling will be ill-equipped to meet these constants of life in the later stages. The child will grow up not with resilience, but with a sense of entitlement, feeling that it is the duty of teachers to provide special training when he or she does not



perform. When this sense of entitlement is suddenly removed after 14 years of age, the child may well feel deprived, unsupported and unable to deal with performance expectations. Rewarding competence is the rule in all professions and vocations, so why not embed it into the child at an early stage?

### **Prohibition on Physical Punishment and Mental Harassment (Section 17)**

Section 17(1) of the Act prohibits physical punishment or mental harassment of the students<sup>17</sup>. While a ban on physical punishment is laudable, the one on mental harassment is incompletely defined. Mental harassment could be anything from a light admonition for not completing homework to vile abuses meant to strip the student of all self-respect. The Act sheds no further light. The problem then becomes one of establishing the commission of mental harassment itself. When the rules are incompletely defined, they are subject to manipulation and misuse. The clear and visible effect is that teachers will not be able to physically punish or mentally berate students. However, there are also some unseen effects:

- 1) **No clear escalation mechanism:** One of the unseen effects is that in rural areas and impoverished regions, where acts of mental harassment are most often carried out, these acts are not even reported (except in severe cases). This is because the child's risk of arousing further displeasure of the teacher concerned, and is not assured of action in any case. Section 17(2) of the Act prescribes disciplinary action against any teacher violating the rule<sup>18</sup>. However, in a set up where mental harassment is hard to establish, reporting mechanisms are poor, the social matrix favours teachers, and where administrators are already feeling a crunch of available teachers, strong action against the guilty is unlikely

- 2) **‘Mental harassment’ not clearly defined:** In an urban settings, again the loose definition of ‘mental harassment’ becomes a problem. Here, students are more empowered, and find it easy to report any behaviour which would constitute ‘mental harassment’ in their opinion. In such schools, errant behaviour from students is encouraged because any admonishment, even if it is meant to serve as a correction can be (mis)interpreted as mental harassment. This will reduce the effectiveness of teachers to administer suitable admonitory measures to this class of students.

### **Only recognised schools allowed to function (Section 18)**

Schools which do not have certificate of recognition from the local authority or government shall no longer be allowed to function, under Section 18 of the Act. If such a school is already functioning, the Act prescribes that it be shut down within 3 years if it fails to meet norms<sup>19</sup>. If a new school is set up, it must conform to the norms for a school as laid out in the Schedule of the Act, or be shut down within 3 years. The norms themselves prescribe minimum teacher- student ratios for different classes, the existence of a permanent building, minimum number of working hours per teacher, and a functioning library among other things. There is no doubt that a school which provides all of these will be superior in imparting education to an institution which provides only some of these. However, two main difficulties arise – it is erroneous to conclude that private unrecognised schools offer a quality of education that is less than offered by recognised schools, and banning private unrecognised schools further aggravates the problem of scarcity of formal education institutions.

- 1) **Unrecognised schools may be better than recognised ones:** In a study conducted on private, unrecognised schools in the slums of East Delhi in 2004-2005, James Tooley and Pauline Dixon from the University of New Castle found that there were more unrecognised schools than government schools in the locality. In this research paper, the authors found, through unannounced visits, that a higher number of teachers were teaching in private unaided schools as compared to government schools. Further, they found that private unaided schools (including unrecognised ones) had superior or similar inputs than government schools. Most significantly, in this study, Tooley and Dixon found that children in unrecognised private schools scored 72% higher in Mathematics, 83% higher in Hindi and 246% higher in English than students in government schools. Students in private unaided schools were found to be more satisfied with facilities being provided to them than their counterparts in government schools. Teachers in these schools reported a level of satisfaction similar to that reported by teachers in government schools. Importantly, even head teachers or principals were reported to maintain closer monitoring on teachers in private unaided schools (including unrecognised schools) than in government schools. This is also true where private unaided school teachers, even though they are paid much lower than those working in government schools, they are more hard working and they are more satisfied with the facilities provided to them .
- 2) **Unrecognised schools solve the problem of the unreached:** Under Section 13(1), the government has mandated that no school should collect any capitation fee for granting admission to a child<sup>20</sup>. This move is welcome, and it will ensure that discretionary admissions are not the hegemony of the rich.

However, having addressed the symptom, the government has failed to address the underlying cause. Why do schools demand that capitation fees be paid for admission? The simple reason is the number of children seeking admission is much higher than the number of seats available. The school therefore sees this as a convenient way of ensuring admission for those wards whose parents can contribute the most to the school financially. The presence of this phenomenon itself indicates the paucity of available education. The solution would be to either ensure that that government schools or private recognised schools can ensure education for every child who seeks it. As this is a huge task and is not easily accomplished in at least the foreseeable future, private unrecognised schools must be a crucial part of the strategy for enabling outreach. Not only this will ensure a lesser burden on the government to set up new schools quickly, but it will also ensure that the overall vision of the Act – basic education for the widest base of children possible – is more convincingly achieved. We need to create more schools, not less. Private unrecognised schools are not the alternative to recognised institutions – but they are the alternative to *–no education at all*. By proposing to shut them down, the government decreases the outreach of education made possible by these institutions.

- 3) **An uncertain future for students:** The RTE Act mandates that unrecognised institutions which fail to meet the set criteria will have to be close down after a period of about 3 years. However, apart from mandating that the students in these schools will have a right to seek transfer to other schools within the area, the Act does not specify how and on what basis these students will be given admission in other schools. With recognised schools already straining under

the burden of having to support free education for all students who approach them (till their capacity), the room for accommodating more students will be scarce. This itself will create uncertainty for students studying in these unrecognised institutions, and will also create a strain on recognised institutions to accommodate them later. The only alternative is for the state to open as many recognised schools (of approximately similar capacity) as the number of unrecognised schools that it closes down.

**Prohibition of private tuition by teachers (Section 28):**

Section 28 of RTE Act mandates that no teacher should engage himself or herself in private tuition activity<sup>21</sup>. Through this provision, the government is trying to address the problem of teachers not teaching properly in schools and then requiring students to attend private tuitions to actually learn the subject material. The intention again is worthy of appreciation – any provision that improves standards of teaching in the classroom and removes perverse incentives for teachers to earn money from their students through unethical means is welcome.

- 1) **A question of money:** The primary reason why teachers underperform in the classroom and then require their students to attend private tuition is the want of additional income, unfettered by a loose monitoring and punitive system. Banning teachers from taking private tuitions does not do away with the cause of the problem. With the RTE Act enforcing strict norms on the appointment of teachers, some aspirational educationists might well be forced to sit out. It is then possible for their collaborators inside the system to promote the seeking of private tuitions with these private teachers, with of course a money sharing arrangement being worked out between the two. While banning

private tuitions by teachers themselves is a welcome step in this regard, this should also be reinforced with a ban on referring students for private tuition. Monitoring this will not be an easy task, but then neither will be monitoring teachers to ensure that they do not provide private tuitions.

- 2) **A question of performance:** Even if private tuition by teachers is successfully done away with, it still does not address the prevalence of teacher underperformance and absenteeism. One may argue that with an alternative source of revenue (private tuitions) now removed, teachers will be loath to take up government school jobs, as the effective income earned is lower. Some capable teachers who would otherwise have taught well in school, and also taken private tuitions, will therefore walk away from government school teacher job, choosing to dedicate themselves completely to private tuitions. On the other hand, some less capable teachers, who were not teaching well in school but were supplementing their income through private tuitions will elect to stay on. With the failing mechanism also removed, the performance evaluation of these teachers will become even more difficult. Underperformance, therefore, will stay and teacher absenteeism will only increase (especially to pursue other income opportunities). Section 24 of the Act prescribes punitive measures to be taken in case absenteeism and non-performance of duties is observed<sup>22</sup>. While it prescribes the minimum duties to be undertaken by each teacher, no specification is made of what constitutes high performance. It may be argued that mere obligatory completion of assigned duties does not constitute high performance. In the light of this, monitoring performance and enforcing these measures will be difficult pending clear standards of performance. To address the issue of attracting

capable teachers and also discourage the continuation of underperforming ones, a system of fixed term performance based contracts and bonus payments based on group performance can be used. Test scores can and should be used as the basis for judgement of teacher performance. Teachers can initially be employed on contracts and then given permanent position and higher pay based on performance. The money so saved initially can be used for providing bonuses.

**No board exam in the period of elementary education:**

Some critics are surprised to note that while board exams have long been considered the barometer for the performance of schools in the country, the RTE Act wishes to do away with them entirely in the period of elementary education. The reason behind this is no doubt that the government feels board exams put unnecessary pressure to perform on students at a young age. This causes a flaw in the making of the implementation of RTE Act in the opinion of some critics.

**Not ensuring that children do not drop out after age 14:**

While the intention of the government (through the RTE Act) in providing free education to children till the age of 14 years is laudable, there is also a need for measures to ensure that children (especially poor children) do not drop out of school once they lose the benefit of free education. The way the Act is currently structured, life in school after 14 years will seem very difficult to a child – failing, no special classes, board exams and school fees suddenly make going to school an unattractive proposition. The number of drop outs at age 14 might therefore increase significantly. To ensure that this does not happen, the government should ensure that students

younger than 14 are at least acquainted with the possibility of failing and the ‘daunting’ aspect of board exams, and that some financial assistance is available for poor children who wish to study beyond the age of 14 years.

### **Implementation bottlenecks:**

The implementation of the provisions of RTE Act will be no simple matter either. The other shortfall aside, the availability of funds and teachers remain significant roadblocks in the implementation of the Act.

- 1) **Funds shortfall:** The HRD Ministry has projected a requirement of Rs. 35,000crore every year. Of this, only Rs. 15,000crore have been allocated for 2010-11. Even if the states were to contribute their fair share of funds, implementing the Act will face a shortfall of Rs. 7,000crore in its first year of implementation. The states are already asking the Centre to bear the original fiscal burden imposed by the RTE. The question of ensuring a leak-proof delivery mechanism which ensures the safe delivery of funds from source to destination also remains unanswered.
- 2) **New teachers needed:** According to the HRD Ministry itself, more than 500,000 additional teachers will be required to meet the 30:1 teacher student ratio advocated by the RTE. Recruiting, training and then monitoring these teachers will be a huge task in itself<sup>23</sup>.

Finally, along with ensuring implementation of RTE Act which stipulates focused reforms in government schools and regulation for private schools in India, we need to broaden our vision so as create an ecosystem conducive to spontaneous private involvement. The current licensing and regulatory restrictions in the education



sector discourage well-intentioned ‘edupreneurs’ from opening more schools. Therefore, the need for deregulation is obvious.

### **SECTION III**

#### **4.3.0 CHALLENGES FACED IN THE IMPLEMENTATION OF RTE ACT 2009 IN MIZORAM**

This section is devoted to challenges faced in the implementation of RTE Act, 2009 in Mizoram. It is further divided and presented under the following heads:

- 4.3.1: Challenges Faced in the Implementation of RTE Act 2009 in Mizoram by Schools
- 4.3.2: Challenges Faced in the Implementation of RTE Act 2009 in Mizoram by Teachers
- 4.3.3: Challenges Faced in the Implementation of RTE Act 2009 in Mizoram by the State Government

### 4.3.1 Challenges Faced in the Implementation of RTE Act 2009 in Mizoram by Schools

**Table 4.3.1.01**

Challenges faced by Government Elementary Schools in providing free and compulsory education to all children admitted therein

Sl. No	Challenges faced		Govt. elementary schools N=21	
	Challenges Faced	Reason	N	PC
1.	Fulfilling the provision of free and compulsory education	1) Education cannot be provided completely free as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE 2) Education cannot be provided completely free as the amount allocated for text-books and exercise books for each child is less than the actual price of the books	21	100
2.	Insisting compulsory attendance	Compulsory attendance cannot be insisted as parents are not aware enough of its importance	6	28.57
3.	Fulfilling the provision of compulsory completion of elementary education	Compulsory completion of elementary education will be hard to achieve as children are irregular in attendance and do not do most of the activities for CCE	10	47.62

According to section 12 (1) of The Right of Children to Free and Compulsory Education Act, 2009:

*“Any recognised schools imparting elementary education which includes a school established, owned or controlled by the appropriate Government or a local*

*authority shall provide free and compulsory education to all children admitted therein”.*

It is found vide Table 4.3.1.01 that-

- (a) Fulfilling the provision of free and compulsory education is a challenge for 100 per cent Government Elementary Schools because:
  - i) It is difficult to provide completely free education as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE.
  - ii) Free text-books and exercise books cannot be provided for each and every student for all the subjects.
- (b) 47.62 per cent of Government elementary schools cannot fulfil the provision of compulsory completion of elementary education since some of the students are irregular in attendance and do not do most of the activities for Comprehensive and Continuous Evaluation (CCE).
- (c) 28.57 per cent of Government elementary schools face the problem in insisting compulsory attendance as some parents are not aware enough of its importance.

**Table 4.3.1.02**

Challenges faced by unaided schools in fulfilling the provision of RTE Act, 2009, section 12 (c) which requires them to admit in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.

Sl.No	Challenges faced	Private unaided schools N=6	
		N	PC
1.	Fear that the school will be short of money	6	100
2.	Fear that the school will not be able to go on	4	66.67
3.	The need for collecting higher fees from the rest of the children	6	100

Section 12 (c) of The Right of Children to Free and Compulsory Education Act, 2009 states:

*“An unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority shall admit in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion”.*

It is found vide table 4.3.1.02 that to fulfil the provision mentioned above

- (a) The fear that the school will be short of money is a challenge faced by 100 per cent of private unaided elementary schools. Therefore, these schools anticipate the need for collecting higher fees from the rest of the children to make up financial deficit due to fulfilment of the said provision.

- (b) As many as 66.67 per cent of private unaided elementary schools face the challenge of the fear that the school will not be able to go on.

From the above mentioned challenges, we may come to the conclusion that for the Act to genuinely benefit children, the Government needs to address the grievances of private unaided schools since these schools have to find extra funds to educate 25% students free of charge. Of course, we cannot deny that this provision of reserving 25% seats to the weaker and disadvantaged group in the neighbourhood will do a good start for successful implementation of RTE Act, 2009 but since there are no clear guidelines on how the 25% students will be selected, there is the danger that quota students will be controlled by education department officials and local politicians with vested interests.

**Table 4.3.1.03**

Challenges faced by schools (both Government and unaided) in complying with the provision of no screening procedure for admission

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	The number of applications exceeds the number of seats available	-	-	6	100	6	22.22
2.	Desire to admit better students	-	-	2	33.33	2	7.41
3.	Without screening, many good students are denied admission	-	-	-	-	-	-

As per section 13 (1) of The Right of Children to Free and Compulsory Education Act, 2009,

*“No school or person shall, while admitting a child subject the child or his or her parents or guardian to any screening procedure. Any school or person, if in contravention of the provision of this section subjects a child to screening procedure shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty-thousand rupees for each subsequent contraventions”.*

In this regard, table 4.3.1.03 reveals that-

- (a) The challenge faced by 100 per cent of private unaided elementary schools is that since the number of applications sometimes exceeds the number of seats available, it is difficult for them to comply with the provision of no screening procedure for admission. If admission is done on the basis of first come first serve basis without screening the child during the time of admission, these schools feel that there will be no quality education and it is not only the school who will be having a bad reputation with poor results but it is also the child who is going to suffer. Therefore, schools cannot admit students if the demand for admission exceeds supply. There has to be a screening process, but it must be transparent and communicated to aspiring parents. This type of challenge takes place only in the case of private unaided schools.
- (b) For 7.41 per cent of private unaided elementary schools, the desire to admit better students is a challenge. These schools feel that it is very important for schools to screen children before admitting them. This not only helps the suitability of the child for the institution, but also enables school

managements to map every child's development according to their background.

On the other hand, Government elementary schools are not affected by this provision.

**Table 4.3.1.04**

Challenges faced by schools (both Government and private) in determining the age of a child on the basis of birth certificate issued in accordance with the provisions of Births, Deaths and Marriages Registration Act, 1886

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Non-availability of birth certificate in many cases	21	100	-	-	21	77.78
2.	Problem of obtaining certificate by parents or guardians	20	95.23	-	-	20	74.07

Section 14 (1) of The Right of Children to Free and Compulsory Education Act, 2009 states:

*“For the purposes of admission to elementary education, the age of a child shall be determined on the basis of birth certificate issued in accordance with the provisions of Births, Deaths and Marriages Registration Act, 1886 (6 of 1886) or on the basis of such other document, as may be prescribed. No child shall be denied admission for lack of age proof”.*

In this regard, table 4.3.1.04 reveals that

- (a) In 100 per cent of Government elementary schools, non-availability of birth certificate in many cases is a challenge. This may be accorded to the fact that majority of the children come from broken families and economically disadvantaged sections of the society wherein some children do not stay with their parents and face the problem of producing birth certificate during the time of admission.
- (b) As many as 95.23 per cent of Government elementary schools face the problem of ‘obtaining birth certificate by parents or guardians’ as the parents or guardians are not aware of the importance of birth certificate for their children which will be needed during the time of admission once they enter the schools. Private unaided elementary schools are not affected by this challenge.

**Table 4.3.1.05**

Challenges faced by elementary schools (both Government and unaided) in giving admission to a child if such admission is sought subsequent to the extended period

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Accomodation problem	-	-	6	100	6	22.22
2.	Insufficient number of teachers	3	14.29	-	-	3	11.11



According to section 15 of The Right of Children to Free and Compulsory Education Act, 2009:

*“A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed provided that no child shall be denied admission if such admission is sought subsequent to the extended period. Provided further that any child admitted after the extended period shall complete his or her studies in such a manner as may be prescribed by the appropriate Government”.*

Table 4.3.1.05 implies the following-

- (a) 100 per cent of private unaided elementary schools face challenge in accommodating more children when admission is sought subsequent to the extended period. This means that if a child is not admitted at the commencement of academic year but within the extended period, the schools will not be able to accommodate those children since there will be no vacant seats left due to lack of proper infrastructure. Government elementary schools do not face accommodation problem.
- (b) In 14.29 per cent of Government elementary schools, insufficient number of teachers is a challenge. This type of challenge exists especially in rural areas. Private unaided schools are free from this challenge.

**Table 4.3.1.06**

Challenges faced by elementary schools (both Government and unaided) due to the provision of RTE Act, 2009 which prohibits holding back in any class or expulsion of a child from school till the completion of elementary education

Sl. No	Challenges Faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Neglect of studies by students	16	76.19	4	66.67	20	74.07
2.	Neglect of duties in general by students	17	80.95	3	50	20	74.07
3.	Students becoming more undisciplined	13	61.90	-	-	13	48.15
4.	Students becoming more irregular in attendance	7	33.33	-	-	7	25.93

The above table is based on section 16 of The Right of Children to Free and Compulsory Education Act, 2009 which says:

*“No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education”.*

It is found vide table 4.3.1.06 that-

- (a) Neglect of studies and neglect of duties in general by students are the main challenges faced by majority of both Government and private unaided elementary schools in Mizoram in relation to the provision of no holding back or expulsion of a child from school till the completion of elementary education.
- (b) Other challenges faced by only Government elementary schools are students becoming more undisciplined in the case of 61.90 per cent of such schools and

students becoming more irregular in attendance in the case of 33.33 per cent such schools. Private unaided schools are free from these challenges.

**Table 4.3.1.07**

Challenges faced by elementary schools (both Government and unaided) in ensuring the RTE Act provision which prohibits physical punishment and mental harassment to a child

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Due to this provision, cases of misbehaviour and indiscipline have greatly increased among students	14	66.67	2	33.33	16	59.26
2.	Teachers are belittled by the provision	10	47.62	6	100	17	62.97
3.	Teachers are no more in a position to curb and check undesirable behaviour practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants	11	52.38	3	50	14	51.85
4.	Teachers are less respected by the students	14	66.67	-	-	14	51.85
5.	Teachers' lives are no more free as they are in constant fear of violating the provision	15	71.43	4	66.67	19	70.37
6.	Teachers are not convinced by the provision	13	61.90	6	100	20	74.08

In relation to the above table, section 17 of The Right of Children to Free and Compulsory Education Act, 2009 says:

*“No child shall be subjected to physical punishment or mental harassment. Whoever contravenes the provision shall be liable to disciplinary action under the service rules applicable to such person”.*

The data found in table 4.3.1.07 reveals that-

- (a) As a whole, the biggest challenge faced by elementary schools in Mizoram is that teachers are not convinced by the provision mentioned above which is followed by 'teachers' lives are no more free as they are in constant fear of violating the provision'.
- (b) In the case of Government elementary schools, the challenges faced by majority of them are teachers' lives being no more free as they are in constant fear of violating the provision (71.43%), increasing number of cases of misbehaviour and indiscipline among students (66.67%) and teachers being less respected by the students (66.67%)
- (c) For private unaided elementary schools, teachers being belittled by the provision and teachers not being convinced by the provision are the two biggest challenges.

**Table 4.3.1.08**

Challenges faced by elementary schools (both Government and unaided) in conforming to the norms and standards prescribed by RTE Act, 2009

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	The number of teachers is too less	9	42.86	-	-	9	33.33
2.	The school has no office cum store cum Head teacher's room	11	52.38	-	-	11	40.74
3.	Access to school is not barrier free	3	14.29	-	-	3	11.11
4.	No separate toilet for boys and girls	7	33.33	-	-	7	25.93
5.	No playground attached to school building	9	42.86	4	66.67	13	48.15
6.	No boundary wall/fencing	-	-	-	-	-	-

7.	Working days in an academic year are less than the prescribed norms	-	-	-	-	-	-
8.	Instructional hours per academic year are less than the prescribed norms	-	-	-	-	-	-
9.	Working hours per week for the teacher are less than the prescribed norms	-	-	-	-	-	-
10.	No teaching learning equipment is provided to each class as required	21	100	6	100	27	100
11.	No library	21	100	6	100	27	100
12.	Book shelves are there in the name of library but without the provision of: i) Newspaper	7	33.33	-	-	7	25.93
	ii) Magazines	12	57.14	-	-	12	44.44
	iii) Books on all subjects including story books	12	57.14	-	-	12	44.44
13.	No play materials, games and sports equipment provided to each class as required	21	100	6	100	27	100
14.	No kitchen shed	-	-	6	100	6	22.22

According to The Right of Children to Free and Compulsory Education Act, 2009, the Norms and Standards for a School are as follows:

1. Building : All weather building consisting of –
  - at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room
  - barrier-free access
  - separate toilets for boys and girls
  - safe and adequate drinking water facility to all children
  - a kitchen where mid-day meal is cooked in the school
  - playground

- arrangements for securing the school building by boundary wall or fencing
2. Minimum number of working days/instructional hours in an academic year –
    - two hundred working days for first class to fifth class
    - two hundred and twenty working days for sixth class to eight class
    - eight hundred instructional hours per academic year for first class to fifth class
    - one hundred instructional hours for sixth class to eight class
  3. Minimum number of working hours per week for the teacher will be forty-five teaching including preparation hours
  4. Teaching learning equipment shall be provided to each class as required
  5. Library in each school providing newspaper, magazines and books on all subjects including story-books
  6. Play materials, games and sports shall be provided to each class as required

It is found vide table 4.3.1.08 that-

- (a) Cent per cent of both Government and private elementary schools in Mizoram face the challenges of absence of provision of teaching learning equipment for each class as required; library and play materials, games and sports equipments for each class as required.
- (b) Other prominent challenges faced by Government elementary schools are absence of magazines and books on all subjects including story books in the book shelves of the schools followed by absence of office-cum-store-cum-Head teacher's room. These schools are also faced with the challenges of too less number of teachers, lack of play ground attached to school building,

absence of separate toilet for boys and girls and access to school not barrier free.

- (c) Absence of kitchen shed is a biggest challenge faced by private unaided elementary schools apart from the ones mentioned under caption (a). They are also faced with the problem of absence of play ground attached to school building.
- (d) The above table reveals that private unaided elementary schools are confronted with less number of challenges in comparison with Government elementary schools.

**Table 4.3.1.09**

Challenges faced by elementary schools (both Government and unaided) in admitting a child in a class appropriate to his/her age

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Problem of having good results	8	38.10	-	-	8	29.63
2.	Problem of giving remedial teaching	18	85.71	4	66.67	22	81.48
3.	Shortage of teachers	8	38.10	-	-	8	29.63

In relation to the above table, The Right of Children to Free and Compulsory Education Act, 2009 has the following provision under section 4:

*“Where a child above six years of age has not been admitted 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 provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such*

*manner, and within such time-limits, as may be prescribed. The child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years”.*

It is found vide table 4.3.1.09 that-

- (a) Problem of giving remedial teaching is a biggest challenge for 81.48 per cent (85.71% of Government and 66.67% of private unaided schools) of elementary schools. This is the only challenge faced by private unaided elementary schools with regard to the above mentioned provision of RTE Act, 2009.
- (b) Other challenges faced by 38.10 per cent of Government elementary schools are problem of having good results and shortage of teachers.

**Table 4.3.1.10**

Challenges faced by elementary schools in conforming to the norms of working days and instructional hours in an academic year

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Difficulty in conforming to the norms of 200 working days for classes I to V	21	100	6	100	27	100
2.	Difficulty in conforming to the norms of 220 working days for classes VI to VIII	21	100	6	100	27	100
3.	Difficulty in conforming to the norms of 800 instructional hours for classes I to V	21	100	6	100	27	100
4.	Difficulty in conforming to the norms of 1000 instructional hours for classes VI to VIII	21	100	6	100	27	100



According to the norms and standards set for a school under The Right of Children to Free and Compulsory Education Act, 2009:

*Minimum number of working days/instructional hours in an academic year will be –*

- 1) two hundred for first class to fifth class*
- 2) two hundred and twenty working days for sixth class to eight class*
- 3) eight hundred instructional hours per academic year for first class to fifth class*
- 4) one thousand instructional hours per academic year for sixth class to eight class.*

It is found vide table 4.3.1.10 that

- (a) Conforming to the norms and standards set for a school under the RTE Act, 2009 is quite difficult and becomes a big challenge for 100 per cent of both Government and private unaided elementary schools in Mizoram.
- (b) No primary school could fulfil the norms of 200 working days and 800 instructional hours per academic year for classes I to V. Besides, the norms of 220 working days and 1000 instructional hours per academic year for classes VI to VIII could not be fulfilled by 100 per cent of middle schools.

**Table 4.3.1.11**

Challenges faced by Government elementary schools in constituting School Management Committee (SMC)

Sl. No	Problems faced	Govt. Elementary schools N=21	
		N	PC
1.	Difficulty in finding suitable person	5	18.59
2.	Lack of co-operation among the members	21	100
3.	Lack of interest among the members	21	100

According to section 21 of The Right of Children to Free and Compulsory Education Act, 2009:

*“A school, other than an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority shall constitute a School Management Committee (SMC) consisting of the elected representatives of the local authority, parents or guardians of children admitted in such schools and teachers provided that at least three-fourth of members of such Committee shall be parents or guardians. The appropriate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section wherein fifty per cent of Members of such Committee shall be women”.*

It is found vide table 4.3.1.11 that-

- (a) All the Government elementary schools (100 %) face challenge in constituting School Management Committee due to lack of co-operation and lack of interest among the members. Usually in Govt. schools, children come from very poor and economically disadvantaged sections of the society where their

parents or guardians are uneducated and need to struggle everyday for their survival. Therefore, even though the parents and guardians, being the members of SMC cannot contribute for the upliftment of the school as they do not show any sign of co-operation and interest but instead they are busy in earning their livelihood.

- (b) 18.59 per cent of Government elementary schools face the problem of finding suitable person for constituting SMC. For constituting SMC, at least three-fourth of the members are to be selected from the parents or guardians and therefore, it is not easy for the schools to find suitable and qualified persons from the parents or guardians who would constitute a member of SMC.

**Table 4.3.1.12**

Challenges faced by School Management Committees (SMCs) in performing their functions

Sl. No	Challenges faced		Govt. elementary schools N=21	
	Challenges Faced	Reason	N	PC
1.	Monitoring the working of the school	As the SMC is newly constituted, it has not had sufficient time for performing its functions	21	100
2.	Preparing and recommending School Development Plan	SMC members are not expert enough to prepare school development plan	21	100
4.	Monitoring the utilization of the grants received from the appropriate Government or local authority or any other source	SMC members cannot spare time to monitor the working of the school as they are busy in their personal business	21	100

According to section 21 (2)(a) of The Right of Children to Free and Compulsory Education Act, 2009:

*“The School Management Committee (SMC) shall perform the functions of monitoring the working of the school, prepare and recommend school development plan, monitor the utilisation of the grants received from the appropriate Government or local authority or any other source and perform such other functions as may be prescribed. Every SMC shall prepare a School Development Plan and the School Development Plan so prepared shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be”.*

It is found vide table 4.3.1.12 that-

All SMCs of Government elementary schools (100%) face challenge in performing the functions stipulated by RTE Act 2009. They cannot perform properly the functions like monitoring the working of the school, preparation and recommendation of school development plan, monitoring the utilisation of grants received from the appropriate Government or local authority or any other source and perform such other functions prescribed under section 12(2) of RTE Act 2009. Besides, they do not have sufficient time for performing the functions and since the members are not familiar about the SMC, they are not expert enough to prepare school development plan. Furthermore, the SMC members cannot spare time to monitor the working of the school as they are busy in their personal business.

**4.3.2 Challenges faced in the implementation of RTE Act, 2009 in Mizoram by teachers**

**Table 4.3.2.01**

Challenges faced by teachers to maintain regularity and punctuality in attending schools

Sl. No	Challenges faced	Elementary school teachers N=141					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	School is far from home	4	4.82	31	53.45	35	24.82
2.	Lack of transportation	-	-	-	-	-	-
3.	Traffic jam	36	43.37	44	75.86	80	56.74
4.	Health problems of self	16	19.28	15	25.86	31	21.99
5.	Health problems of family members	14	16.87	11	18.97	25	17.73

According to section 23 (1) and 24 (1) (a) of The Right of Children to Free and Compulsory Education Act, 2009 :

*“Any person possessing minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher and the teacher so appointed shall perform the duties in maintaining regularity and punctuality in attending school”.*

A glance at table 4.3.2.01 tells us that-

- (a) Traffic jam is the most frequently referred challenge for teachers in the case of 75.86 per cent of private unaided and 43.37 per cent of Government elementary schools.

- (b) The second most referred challenge in the case of 53.45 per cent of private unaided elementary school teachers is farness of the schools from their homes whereas it is health problems of self for 19.28 per cent of Government elementary school teachers.
- (c) Health problem of family members is another challenge faced by 16.87 per cent and 18.97 per cent of Government and private elementary teachers respectively.
- (d) No teacher is faced with the problem of transportation.

**Table 4.3.2.02**

Challenges faced by teachers in performing their duties of conducting and completing the curriculum as laid down by the academic authority as per section 24 (b) and 29 (2) of RTE Act, 2009

Sl. No	Challenges faced	Elementary school teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	In relation to all round development of the child (a) No adequate playground/space for physical activities	74	89.16	20	24.10	94	66.67
	(b) No play materials for physical activities	66	79.52	11	18.97	77	54.61
	(c) Number of teachers is not enough to take care of all round development of children	50	60.24	-	-	50	35.46
	(d) Family background and social status of children limit the scope of development	61	73.50	-	-	61	43.26
	(e) Irregularity of children in attendance	11	13.25	4	6.90	15	10.64

2.	In relation to learning through activities, discovery and exploration (a) Absence of adequate stationary items and other learning materials	<b>82</b>	<b>98.79</b>	<b>16</b>	<b>27.59</b>	<b>108</b>	<b>76.60</b>
	(b) Absence of adequate number of teachers	<b>35</b>	<b>42.17</b>	-	-	<b>35</b>	<b>24.82</b>
	(c) Teachers are inexperienced in this	<b>54</b>	<b>65.06</b>	<b>17</b>	<b>29.31</b>	<b>71</b>	<b>50.35</b>
	(d) lack of suitable places near the school where children can be taken for discovery and exploration	<b>42</b>	<b>50.60</b>	<b>24</b>	<b>41.38</b>	<b>66</b>	<b>46.81</b>
3.	In relation to Continuous and Comprehensive Evaluation (CCE) (a) Shortage of time	<b>63</b>	<b>75.90</b>	<b>46</b>	<b>79.31</b>	<b>109</b>	<b>77.30</b>
	(b) Shortage of teachers	<b>39</b>	<b>46.99</b>	-	-	<b>39</b>	<b>27.66</b>
	(c) Lack of infrastructure	<b>31</b>	<b>37.35</b>	<b>11</b>	<b>18.97</b>	<b>42</b>	<b>29.79</b>
	(d) Lack of teaching aids	<b>83</b>	<b>100</b>	-	-	<b>83</b>	<b>58.87</b>
	(e) Negligence of teachers	<b>4</b>	<b>4.82</b>	-	-	<b>4</b>	<b>2.84</b>
	(d) Shortage of papers and materials	<b>53</b>	<b>63.86</b>	-	-	<b>53</b>	<b>37.59</b>
	(g) Financial problems	<b>41</b>	<b>29.07</b>	-	-	<b>41</b>	<b>29.07</b>

According to section 24 (1)(b), a teacher is to conduct and complete the curriculum in accordance with the provisions of sub-section 2 of section 29 which states:

*The academic authority, while laying down the curriculum and the evaluation procedure shall take into consideration the following, namely –*

- *all round development of the child*
- *learning through activities, discovery and exploration in a child friendly and child-centred manner*

- *comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.*

It is found vide table 4.3.2.02 that-

In relation to all Round Development of the Children-

- (a) 66.67 per cent of elementary school teachers have faced challenge since their schools do not have adequate playground/space for physical activities to take care of all round development of their school children where the children engage themselves in physical activities like games and sports within the school vicinity itself.
- (b) For 79.52 per cent of Government and 18.97 per cent of private unaided school teachers, taking up all round development of the children is a big challenge for them due to absence of play materials for physical activities.
- (c) As many as 73.50 per cent of Government elementary school teachers face challenge since family background and social status of the children limit the scope of all round development of the children. Private unaided school teachers do not face challenge in this regard.
- (d) The challenge faced by 60.24 per cent of Government elementary school teachers is that since the number of teachers is not adequate in their schools, they cannot take care of all round development of their children. This also happens in the case of Government school teachers in rural areas where they are usually in shortage of teachers and therefore, taking care of all round development of the children is not possible besides regular class-room teaching. Private unaided school teachers do not face challenge in this case also.



- (e) 10.64 per cent of elementary school teachers also face challenge due to irregularity of children in attendance and as a result all around development of the children is hard to achieve for these teachers.

In relation to learning through activities, discovery and exploration-

- (a) 76.60 per cent of elementary school teachers face challenge in achieving learning through activities, discovery and exploration due to absence of adequate stationary items and other learning materials in their schools.
- (b) 65.06 per cent of Government and 38.30 per cent of private unaided school teachers face challenge because the teachers are not experienced in taking up different kinds of activities with the students that involve discovering and exploring new things that also conducting CCE as it requires expert, well-trained and confident teachers to take care of it.
- (c) The challenge faced by 46.81 per cent of elementary school teachers is that due to lack of suitable places near the school where children can be taken for discovery and exploration, these teachers face difficulty in making their children learn through activities, discovery and exploration.
- (d) Due to absence of adequate number of teachers, 42.17 per cent of Government elementary school teachers face challenge in providing learning through activities, discovery and exploration. Private unaided school teachers do not face problem in this case.

In relation to Continuous and Comprehensive Education (CCE)

- (a) As many as 77.30 per cent of elementary school teachers face challenge in taking up CCE due to insufficient number of teachers in their schools.

- (b) All the Government elementary school teachers face challenge due to lack of adequate teaching learning materials where CCE cannot be taken up effectively.
- (c) Due to shortage of papers and materials, 63.86 per cent of Government elementary school teachers face a big problem in imparting CCE. Private unaided school teachers do not face any challenge as such.
- (d) 46.99 per cent of Government elementary school teachers face challenge in taking care of CCE as these schools do not have adequate number of teachers in their schools.
- (e) 37.35 per cent of Government and 18.97 per cent of private unaided elementary school teachers face challenge in making CCE more effective and successful as they do not have proper infrastructure to accommodate the students for doing CCE.
- (f) Because of financial problems, 29.07 per cent of Government elementary school teachers face problem in imparting CCE.
- (g) Due to some negligent teachers, 2.84 per cent of Government elementary school teachers face difficulty and therefore, CCE cannot be imparted properly and cannot be effective and successful as it should have been because of these negligent teachers.

From all the challenges/problems mentioned above, we can conclude by saying that teachers in different sample elementary schools face challenge in conducting and completing the curriculum laid down by the academic authority as these schools are faced with various kinds of challenges that prevent them from conducting and completing the curriculum laid down by the academic authority.

**Table 4.3.2.03**

Challenges faced by teachers in conducting and completing the entire curriculum within the specified time

Sl. No	Challenges	Elementary School Teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Lack of sufficient time	82	98.80	26	44.83	108	76.60
2.	Shortage of teachers	36	43.37	-	-	36	25.53
3.	Negligence of teachers	3	3.61	-	-	3	2.13
4.	Health problems among teachers	36	43.37	11	18.97	47	33.33

Section 24 (c) of The Right of Children to Free and Compulsory Education Act, 2009 gives the teachers the duty to complete the curriculum within the specified time.

It is found vide table 4.3.2.03 that

- (a) As many as 98.90 per cent of Government and 44.83 per cent of private unaided elementary school teachers have faced challenge in completing the entire curriculum within a specified time due to lack of sufficient time.
- (b) 43.37 per cent of Government elementary school teachers face challenge due insufficient number of teachers in their schools.
- (c) Due to health problem among the teachers, 43.37 per cent of Government and 18.97 per cent of private unaided elementary school teachers are faced with the challenge of completing the entire curriculum within a specified time.
- (d) Another 3.61 per cent of Government elementary school teachers face challenge because of the negligence of some teachers who are lazy and fail to do their work efficiently as a teacher.

**Table 4.3.2.04**

Challenges faced by teachers in assessing the learning ability of each child

Sl. No	Challenges faced	Elementary School Teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Activities done by children are not many and are not enough for assessing children's learning abilities	68	81.93	26	44.83	124	87.94
2.	There are some irregular children who do very less number of activities	51	61.45	4	6.90	55	39.01
3.	Physically or mentally challenged children are hard to assess	47	56.62	18	31.03	65	46.10

Section 24 (d) of The Right of Children to Free and Compulsory Education Act, 2009 gives the teachers the duty to assess the learning ability of each child and accordingly supplement additional instructions, if any, as required.

It is found vide table 4.3.2.04 that-

- (a) As many as 87.94 per cent of elementary school teachers, face challenge in assessing the learning ability of each and every child admitted in their schools since the activities done by the children are not many and are not enough for assessing children's learning abilities.
- (b) 46.10 per cent of elementary school teachers face challenge since it is very hard to assess the physically and mentally challenged children. This challenge is faced by 56.62 per cent of Government and 31.32 per cent of private unaided elementary school teachers.

- (c) Because of some children who often remain absent from schools, 39.01 per cent of elementary school teachers face challenge in assessing the learning ability of each child.

**Table 4.3.2.05**

Challenges faced by teachers in holding regular meetings with parents and guardians

Sl. No	Challenges faced	Elementary school teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Non-availability of convenient time	75	90.36	10	17.24	105	74.47
2.	Shortage of teachers	8	9.64	-	-	8	5.67
3.	Lack of communication	39	46.99	-	-	39	27.66
4.	Lack of infrastructure	26	31.33	5	8.62	31	21.99

Section 24 (e) of The Right of Children to Free and Compulsory Education Act, 2009 requires the teachers to hold regular meetings with parents and guardians and appraise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child.

It is found vide table 4.3.2.05 that-

- (a) 90.36 per cent of Government and 17.24 per cent of private unaided elementary school teachers face challenge due to non-availability of convenient time.
- (b) 46.99 per cent of Government elementary school teachers face challenge in holding regular meetings with parents and guardians due to lack of communication. Private unaided school teachers are free from this challenge.

- (c) 31.33 per cent of Government and 8.62 per cent of private unaided elementary school teachers face since they do not have proper infrastructure. Therefore, due to the congested and poor school building, they do not have rooms to accommodate the parents and guardians and hold regular meetings with them.
- (d) Due to shortage of teachers, a sample of 9.64 per cent of Government elementary school teachers cannot hold regular meetings with parents and guardians.

**Table 4.3.2.06**

Challenges faced by teachers regarding the deployment for non-educational purposes other than decennial population census, disaster relief duties or duties relating to the elections to the local authority or the State Legislatures or Parliament, as the case may be as per section 27 of RTE Act, 2009

Sl. No	Challenges faced	Elementary school teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Yes	-	-	-	-	-	-
2.	No	83	100	58	100	141	100

According to section 27 of The Right of Children to Free and Compulsory Education Act, 2009:

*“No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be”.*

It is found vide table 4.3.2.06 that 100 per cent of elementary school teachers have not faced any kind of challenge as they do not get deployed for any non-educational purposes other than the decennial population census, disaster relief duties

or duties relating to elections to the local authority or the State Legislature or Parliament, as the case may be.

**Table 4.3.2.07**

Challenges faced by teachers due to the prohibition of private tuition or private teaching activity

Sl. No	Challenges faced	Elementary school teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Pressure from children	-	-	13	22.41	13	2.22
2.	Pressure from parents	-	-	48	42.76	48	34.04
3.	Financial pressure among the teachers	-	-	2	3.45	2	1.49

According to section 28 of The Right of Children to Free and Compulsory Act, 2009:

*“No teacher shall engage himself or herself in private tuition or private teaching activity”.*

It is found vide table 4.3.2.07 that

- (a) The challenge faced by 42.76 per cent of private unaided elementary school teachers with the prohibition of engaging themselves in private tuition or private teaching is due to the constant pressure from the parents.
- (b) Because of constant pressure from the children, 22.41 per cent of private unaided elementary school teachers have faced challenge due to this provision.

- (c) Due to financial pressure among the teachers, 3.45 per cent of private unaided elementary school teachers have faced challenge. Government elementary school teachers do not face challenge in this regard.

**Table 4.3.2.08**

Challenges faced by teachers in possessing minimum qualifications as laid down by an academic authority

Sl. No	Challenges faced	Elementary school teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Lower educational qualification than the prescribed minimum qualification	16	19.28	8	13.79	24	17.02
2.	No required training programme undergone	12	14.46	30	51.72	42	29.79
3.	Impossibility of undergoing the required training due to inadequate number of teachers in school and no provision for substitute	23	27.71	-	-	23	16.31

According to section 23(2) of The Right of Children to Free and Compulsory Education Act, 2009:

*“Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified. Provided further that a teacher who, at the commencement of this Act, does not possess minimum qualifications shall acquire such minimum qualifications within a period of five years”.*



From the above table 4.3.2.08, we can see that-

- (a) 29.79 per cent of elementary school teachers face challenge in possessing minimum qualifications laid down by the academic authority as they have not undergone the required training programme. Undergoing the required training and possess the minimum qualifications required for a teacher is not possible due to inadequate number of teachers in their schools.
- (b) Another 17.02 per cent of elementary school teachers face challenge since their educational qualifications are lower than the prescribed minimum qualification.
- (c) The challenge faced by 27.71 per cent of Government elementary school teachers is that since undergoing the required training is not possible due to inadequate number of teachers in their schools and no provision for substitute teachers, they are still left behind in possessing the minimum qualifications required for a teacher laid down by the academic authority.

**Table 4.3.2.09**

Challenges faced by teachers due to RTE Act provision which prohibits physical punishment and mental harassment to a child

Sl. No	Challenges faced	Elementary School Teachers					
		Govt. N=83		Pvt. N=58		Total	Total PC
		N	Pc	N	Pc		
1.	Due to this provision, cases of misbehaviour and indiscipline have greatly increased among students	80	96.39	11	18.97	115	81.56
2.	Teachers are belittled by the provision	67	80.72	12	20.69	79	56.03
3.	Teachers are no more in a position to curb and check undesirable behaviour practices	59	71.08	9	15.52	68	48.23

	such as smoking, drinking, consumption of pan, tobacco products and other intoxicants						
<b>4.</b>	Teachers are less respected by the students	<b>76</b>	<b>91.57</b>	<b>8</b>	<b>13.79</b>	<b>84</b>	<b>59.57</b>
<b>5.</b>	Teacher's lives are no more free as they are in constant fear of violating the provision	<b>66</b>	<b>79.52</b>	<b>18</b>	<b>31.04</b>	<b>104</b>	<b>73.76</b>

Section 17 of The Right of Children to Free and Compulsory Education Act, 2009 states:

*“No child shall be subjected to physical punishment or mental harassment. Whoever contravenes the provisions shall be liable to disciplinary action under the service rules applicable to such person”.*

The above table 4.3.2.09 reveals that-

- (a) As many as 81.56 per cent of elementary school teachers face challenge due to the provision of not to subject a child to physical punishment or mental harassment since cases of misbehaviour and indiscipline have greatly increased among students.
- (b) 73.76 per cent elementary school teachers have faced challenge since the teacher's lives in the schools are no more free as they are in constant fear of violating the provision.
- (c) The challenge faced by 59.57 per cent of elementary school teachers due to the prohibition of physical punishment and mental harassment is that teachers are less respected by the students.
- (d) Another challenge faced by 56.03 per cent of elementary school teachers is that teachers are belittled by the provision.

- (e) Since teachers are no more in a position to curb and check undesirable behaviour practices such as drinking, smoking, consumption of pan, tobacco products and other intoxicants, 48.23 per cent of elementary school teachers

**Table 4.3.2.10**

Challenges faced by teachers due to RTE Act provision in conforming to the norms of 45 teaching including preparation hours per week for the teacher

Sl. No	Challenges faced	Elementary schools					
		Govt. N=21		Pvt. N=6		Total	Total PC
		N	Pc	N	Pc		
1.	Difficulty in conforming to the norms of 45 teaching including preparation hours	21	100	6	100	27	100

According to the norms and standards set for a school under The Right of Children to Free and Compulsory Education Act, 2009:

Minimum number of working hours per week for the teacher will be forty-five teaching including preparation hours.

The above table 4.3.1.10 reveals that conforming to the norms of 45 teaching including preparation hours under the RTE Act, 2009 is quite difficult and becomes a big challenge for 100 per cent of both Government and private unaided elementary schools in Mizoram.

### 4.3.3 Challenges faced in the implementation of RTE Act, 2009 in Mizoram by the State Government

**Table 4.3.3.01**

Challenges faced by the State Government in the establishment of a school, where it is not established within 1 km radius for primary school and 3kms for upper primary school within period of 3 years from the commencement of the Act.

Sl. No	Challenges faced	State Government	
		Yes	No
1.	No school mapping has been done		✓
2.	No proposal has been prepared and submitted		✓
3.	No funds available		✓
4.	Funds not yet sanctioned		✓
5.	Funds so far sanctioned is not enough	✓	

Section 6 of The Right of Children to Free and Compulsory Education Act, 2009, states that the appropriate Government and the local authority, for carrying out the provisions of the Act, shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of the Act.

The above table 4.3.3.01 reveals that the State Government has faced challenge in establishing a school within such area or limits of neighbourhood, where it is not established within three years from the commencement of the Act because the funds so far sanctioned by the Central Government is not enough. Government's school mapping has been done, but if there is financial provision, school mapping needs to be revised again with thorough checking of each and every habitations and schools.

**Table 4.3.3.02**

Challenges faced by the State Government in the matter of sharing financial and other responsibilities with the Central Government

Sl. No	Challenges faced	State Government	
		Yes	No
1.	The Central Government has not prepared or conveyed the estimates of capital and recurring expenditure for the implementation of the provisions of the Act		✓
2.	The Central Government has not provided grants (capital and recurring expenditure) for the implementation of the provisions of the Act		✓
3.	The funds provided so far by the Central Government could not meet the requirement of the State	✓	

According to section 7 of The Right of Children to Free and Compulsory Education Act, 2009, the Central Government and the State Government shall have concurrent responsibility for providing funds for carrying out the provisions of the Act. The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act and shall provide to the State Governments, as grant-in-aid of revenues such percentage of expenditure from time to time, in consultation with the State Governments.

From the above table 4.3.3.0, the State Government face challenge in the matter of sharing financial and other responsibilities with the Central Government since the funds provided so far by the Central Government cannot meet the requirements of the State. Therefore, if the Central Government does not provide adequate funds to the State Government, the State Government will not be able to perform its duty properly and conform to the norms and standards laid down by the Act.

**Table 4.3.3.03**

Challenges faced by the State Government in providing its share of funds for carrying out the provisions of the Act

Sl. No	Challenges faced	State Government	
		Yes	No
1.	The Central Government has not made request to the President to take steps for providing additional funds to the State Government		✓
2.	The Central Government/Finance Commission has not examined the need for additional resources to provide to the State Government so that the State Government may provide its share of funds for carrying out the provisions of the Act		✓
3.	Additional funds/resources have not been provided or received by the State Government		✓
4.	The State's budget for Education Department is quite low that enough funds cannot be provided for implementation of the provisions of the Act	✓	

The Right of Children to Free and Compulsory Education Act, 2009, under section 7(4) states that the Central Government may make a request to the President to make a reference to the Finance Commission to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

It is found vide table 4.3.3.03 that since the State's budget for Education Department is quite low that enough funds cannot be provided for implementation of the provisions of the Act, the State Government face challenge in providing its share of funds for carrying out the provisions of the Act. Therefore, the State's budget for Education Department needs to be raised so that sufficient funds can be provided for successful implementation of the provisions of the Act.

**Table 4.3.3.04**

Challenges faced by the State Government in providing free and compulsory education to every child of the age of six to fourteen years

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Some parents do not want to send their children to schools due to their religious beliefs		✓
2.	Some parents do not send their children to schools due to poverty of families		✓
3.	Existence of small and scattered habitations of some migrants in some places	✓	

In relation to section 8(a) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall provide free and compulsory education to every child provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

The above table 4.3.3.04 shows that the State Government face challenge in providing free and compulsory education to every child of the age of six to fourteen years because of existence of small and scattered habitations of some migrants in some places. Furthermore, since the State's budget for education is low to uplift and promote the children living in these areas, provision of free and compulsory education to each and every child is not possible.

**Table 4.3.3.05**

Challenges faced by the State Government in ensuring compulsory admission

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Some parents do not allow their children to get admitted in schools due to religious superstition		✓
2.	Ignorance of some parents particularly of migrant community about the importance of education	✓	
3.	Seasonal migration of some families		✓

Section 8 (a)(1) of The Right of Children to Free and Compulsory Education Act, 2009, states that the appropriate Government shall ensure compulsory admission by every child of the age of six to fourteen years.

It is found vide table 4.3.3.05 that since some parents are ignorant about the importance of education particularly of migrant community, the State Government face problem in ensuring compulsory admission. More awareness needs to be made to parents living in these migrant and remote areas so that they can be aware of the importance of education for their children and will solve the problem of ensuring compulsory admission to a certain extent.

**Table 4.3.3.06**

Challenges faced by the State Government in ensuring compulsory attendance

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Many schools are not easily accessible		✓
2.	Many schools are too far from homes	✓	
3.	Some girls have to attend to younger siblings		✓



According to section 8 (a)(1) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall ensure compulsory attendance by every child of the age of six to fourteen years.

Table 4.3.3.06 reveals that since many schools are too far from homes, the State Government face challenge in ensuring compulsory attendance. Some children from primary and middle section are staying even more than 1 km and 3 kms away from their school and since the State Government cannot provide transportation to these children because of low budget on education, they cannot maintain regularity in attending schools. Therefore, the State Government face problem in ensuring compulsory attendance because of these children who stay far away from their schools.

**Table 4.3.3.07**

Challenges faced by the State Government in ensuring compulsory completion of elementary education by every child

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Low attendance of students		✓
2.	Too less number of teachers in village schools	✓	
3.	Faulty evaluation/examination system		✓

The Right of Children to Free and Compulsory Education Act, 2009, under section 8 (a)(1) states that the appropriate Government shall ensure compulsory completion of elementary education by every child of the age of six to fourteen years.

From the above table 4.3.3.07, because of inadequate number of teachers in villages and remote areas, the State Government face challenge in ensuring compulsory completion of elementary education by every child. Since teachers in these areas are too less, there can be no quality education where the teachers are unable to handle and take proper care of their students especially of the slow learners. This leads to back drop of educational system in these areas where many students drop out of school and this creates a challenge on the part of the State Government where they cannot ensure compulsory completion of elementary education of each and every child.

**Table 4.3.3.08**

Challenges faced by the State Government in ensuring the availability of neighbourhood schools

Sl. No	Challenges/Problems faced	Appropriate Government/Local Authority	
		Yes	No
1.	Shortage of students		✓
2.	Too less number of teachers in village schools		✓
3.	Financial constraints		✓
4.	Non-availability of teachers		✓
5.	Existence of small and scattered habitations of some migrants in some places	✓	

According to section 6 of The Right of Children to Free and compulsory education Act, 2009, the appropriate Government and the local authority for carrying out the provisions of the Act shall establish, within such area or limits of neighbourhood, as may be prescribed, a school where it is not established, within a period of three years from the commencement of this Act.

It is found vide table 4.3.3.08 that due to small and scattered habitations, the State Government face challenge in ensuring the availability of neighbourhood schools wherein all habitations cannot not be provided schools as per norms of RTE Act 2009. Although residential school is proposed for children of these habitations, only minority districts viz., Lawngtlai and Mamit have so far been given residential schools as approved by Ministry of Human Resource and Development.

**Table 4.3.3.09**

Challenges faced by the State Government in ensuring that children belonging to weaker sections and disadvantaged groups are not discriminated from pursuing and completing elementary education

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Financial constraints		✓
2.	Lack of sufficient funds		✓
3.	Failure of administration		✓

In relation to section 9(c) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall 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.

Table 4.3.3.09 shows that the State Government does not face challenge in ensuring that children belonging to weaker sections and disadvantaged groups are not discriminated from pursuing and completing elementary education. There is no discrimination under the State Education Department. Rather, children belonging to

weaker and disadvantaged groups are given consideration by providing residential hostels so that they are not deprived of completion of elementary education.

**Table 4.3.3.10**

Challenges faced by the State Government in providing infrastructure including school building, teaching staff and learning equipment

Sl. No	Challenges faced	State Government	
		Yes	No
1.	No enough funds in the State budget for education		✓
2.	No proper utilization of funds by the schools		✓
3.	Non-rationalization of teachers due to various reasons	✓	

Section 8(d) of The Right of Children to Free and Compulsory Education Act, 2009, states that the appropriate Government shall provide infrastructure including school building, teaching staff and learning equipment.

It is found vide table 4.3.3.10 that due to non-rationalization of teachers due to various reasons, the State Government face challenge in providing good infrastructure which includes school building, teaching staff and different types of learning equipments. If there is non rationalization of teachers in the schools, there will be down fall in the standard of the schools and this will create problem for the State Government in taking initiatives and providing proper infrastructure with school building, teaching staff and learning equipments.

**Table 4.3.3.11**

Challenges faced by the State Government in providing special training facility where a child is directly admitted in a class appropriate to his/her age

Sl. No	Challenges/Problems faced	State Government	
		Yes	No
1.	Absence of adequate number of teachers		✓
2.	No provision of honorarium of teachers providing training facility		✓
3.	Teachers are unwilling to do extra work		✓
4.	Lack of funds for honorarium of teachers providing the special facility		✓

According to section 8 (e) of The Right Of Children to Free and Compulsory Education Act 2009, the appropriate Government shall provide special training facility to a child who is directly admitted in a class appropriate to his/her age.

Table 4.3.3.11 reveals that the State Government does not face challenge in providing special training facilities to those children who are admitted in a class appropriate to their age since special training is conducted in the form of residential and non-residential schools.

**Table 4.3.3.12**

Challenges faced by the State Government in ensuring and monitoring of admission, attendance and completion of elementary education by every child

Sl. No	Challenges faced	State Government	
		Yes	No
1.	VECs do not perform their functions properly	✓	
2.	Supervisory officials do not perform their functions properly		✓
3.	Schools do not submit data/report on these		✓

Section 8(f) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall ensure and monitor admission, attendance and completion of elementary education by every child.

It is found vide table 4.3.3.12 that since the Village Education Committees (VEC) do not perform their functions properly and many of the VEC's have not updated their Village Education Register (VER), proper record of the schools concerning the student's admission, attendance, and completion of elementary education of the students have not been done. Therefore, challenges occur on the part of the State Government in ensuring and monitoring of admission, attendance and completion of elementary education by every child.

**Table 4.3.3.13**

Challenges faced by the State Government in ensuring good quality elementary education conforming to the standards and norms

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Non-rationalization of teachers	✓	
2.	Absence of adequate number of all-weather school buildings	✓	
3.	Difficulty in conforming to the norms of minimum number of working days		✓
4.	Difficulty in conforming to the norms of instructional hours in an academic year		✓
5.	Difficulty in conforming to the norms of minimum number of working hours per week for the teacher		✓
6.	No provision of teaching learning equipment for each class as required	✓	
7.	No provision of library in each school	✓	
8.	No provision of play material, games and sports equipment for each class as required	✓	

According to section 8(g) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall ensure good quality elementary education conforming to the norms and standards of RTE Act 2009

The above table 4.3.3.13 shows that –

- 1) The State Government face challenge in ensuring good quality elementary education because rationalization of teachers in elementary schools cannot be done due to various reasons.
- 2) Because of so many dilapidated school buildings and shortage of funds to renovate the buildings, the State Government face problem in ensuring good quality elementary education where they cannot provide good infrastructure for the development and upliftment of the schools.
- 3) Another problem faced by the State Government in ensuring good quality elementary education is the lack of adequate teaching learning equipments. Teaching learning equipments with increased amount in unit cost is required for effective use.
- 4) Since one time grant and the unit cost for library under SSA-RTE is very limited, the State Government face challenge in ensuring good quality elementary education.
- 5) The State Government also face difficulty in ensuring good quality elementary education due to lack of insufficient play materials, games and sports equipments for each and every child. There is only very limited provision of play materials, games and sports equipment under SSA-RTE.

**Table 4.3.3.14**

Challenges faced by the State Government in ensuring timely prescribing of curriculum and courses of study for elementary education

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Late receipt of National Curriculum Framework		✓
2.	Too slow process in the preparation of NCF by NCERT		✓
3.	Too slow process in revision and finalization of curriculum and courses of study in the State by SCERT		✓
4.	Inefficiency of SCERT		✓

In relation to section 8(h) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall ensure timely prescribing of curriculum and courses of study for elementary education.

Table 4.3.3.14 shows that the State Government does not face challenge in ensuring timely prescribing of curriculum and courses of study for elementary education since the State Council of Educational Research and Training (SCERT) that is responsible for this, is always punctual in preparing and prescribing of curriculum and courses of study for elementary education.



**Table 4.3.3.15**

Challenges faced by the State Government in providing training facility for teacher

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Lack of funds		✓
2.	Unavailability of sufficient funds		✓
3.	Too less number of teachers in some schools		✓
4.	No provision for substitute teachers to replace teachers undergoing training	✓	
5.	Non-rationalization of teachers in the State	✓	

According to section 8(i) of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall provide training facilities for all the teachers.

The above table 4.3.3.15 shows that –

- 1) The State Government face challenge in providing training facilities for teachers since there is no provision for substitute teachers undergoing training and who will be taking care of their classes while they go for training.
- 2) Due to the non-rationalization of teachers in the State, the State Government also face challenge in providing training facilities for teachers. If there is non-rationalization of teachers, it will be difficult for the State Government to take necessary steps in providing training facilities for the teachers who still have to undergo the required training programme.

**Table 4.3.3.16**

Challenges faced by the State Government in making necessary arrangement for providing free education to children above the age of three to four years and to provide early childhood care and education for all children until they complete the age of six year

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Financial constraints		✓
2.	Lack of man-power		✓
3.	The fund available is too meagre	✓	
4.	Existence of small and scattered habitations of some migrants in some places		✓

According to section 11 of The Right of Children to Free and Compulsory Education Act, 2009, the appropriate Government shall prepare children above the age of three years for elementary education and provide early childhood care and education for all children until they complete the age of six years and make necessary arrangement for providing free pre-school education for such children.

From the above table 4.3.3.16, the State Government face challenge in preparing children above the age of three years and providing them early childhood care and education until they complete the age of six years and thereby making necessary arrangement for providing free pre-school education for such children because the funds available in the State Government for education is too meagre. While the State Government does not have enough funds even for providing free and compulsory education to all children up to the age of six to fourteen years, it will not be possible at the moment to provide early childhood care and education for children above the age of three years and thereby making necessary arrangement for providing free pre-school education for such children.

**Table 4.3.3.17**

Challenges faced by the State Government in the specification of the Academic Authority by notification

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Insufficiency of experts for appointment as members of Academic Authority		✓
2.	The Academic Authority does not meet the expectation of the Government	✓	
3.	The Academic Authority while laying down the curriculum and the evaluation procedure, did not take into consideration the provisions under section 29 (2)		✓

Section 29 of The Right of Children to Free and Compulsory Education Act, 2009, states that the curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

It is found table vide table 4.3.3.17 even though the academic authority has been constituted and perform its functions, the State Government face challenge since the academic authority does not meet the expectation of the Government. The academic authority is not performing its duty as expected by the State Government and therefore, they need to take their work more seriously for the proper implementation of the Act.

**Table 4.3.3.18**

Challenges faced by the State Government in the implementation of Comprehensive and Continuous Evaluation for children

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Negligence of teachers to duty		✓
2.	Un-rationalization of teachers	✓	
3.	Lack of proper facilities		✓
4.	Financial constraints		✓
5.	Complaint from teachers		✓

According to section 29 (2)(h) of The Right of Children to Free and Compulsory Education Act, 2009, the Academic Authority, while laying down the curriculum and evaluation procedure shall take into consideration Comprehensive and Continuous Evaluation of child's understanding of knowledge and his or her ability to apply the same.

Table 4.3.3.18 reveals that due to non-rationalization of teachers in the schools, the State Government face challenge in the implementation of Comprehensive and Continuous Evaluation (CCE). Since more teachers are required for imparting CCE, the present number of teachers in some schools cannot meet the requirement for successful implementation of CCE. Besides, more awareness needs to be created among the parents and community for CCE.

**Table 4.3.3.19**

Challenges faced by the State Government in the process of its implementation of provision of RTE Act, 2009, section 30 which states that “No child shall be required to pass any board examination till completion of elementary education

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Misunderstanding of the concept by the teachers		✓
2.	Misunderstanding of the concept by the public		✓
3.	The belief that absence of board examination will result in lower standard of education	✓	
4.	The belief that absence of board examination will bring about lethargy among the teachers	✓	

In relation to section 30 of The Right of Children to Free and Compulsory Education Act, 2009, no child shall be required to pass any Board examination till completion of elementary education. Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

It is found vide table 4.3.3.19 that-

- 1) The State Government face challenge with the provision that no child shall be required to pass any board examination till the completion of their elementary education because of the belief that absence of board examination might lower the standard of education.
- 2) Due to the belief that the absence of board examination might bring about lethargy among the teachers, the State Government face challenge with the provision where a child will not be required to pass any board examination till completion of elementary education.

**Table 4.3.3.20**

Challenges faced by the State Government in constituting State Advisory Council

Sl. No	Challenges faced	State Government	
		Yes	No
1.	Insufficiency of experts for appointment as members of State Advisory Council		✓
2.	The State Advisory Council does not meet the expectation of the Government		✓
3.	The State Advisory Council has not advised the State Government on implementation of the provisions of the Act in an effective manner		✓

Section 34 of The Right of Children to Free and Compulsory Education Act, 2009, the State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development. The functions of State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner. The allowances and other terms and conditions shall be such as may be prescribed.

The above table 4.3.3.20 shows that the State Government does not face challenge in constituting State Advisory Council. The State Advisory Council has already been constituted and at present, they are doing their work efficiently for the successful implementation of the Act and thus, they also meet the expectation of the State Government so far.

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## **CHAPTER – V**

### **FINDINGS AND CONCLUSIONS, RECOMMENADCTIONS AND SUGGESTIONS**

#### **5.1.0 FINDINGS AND CONCLUSIONS IN RELATION TO THE EVOLUTION OF RTE ACT, 2009**

1. On March 18, 1910, Gopal Krishna Gokhale moved in the Imperial Legislative Council for seeking provision of “Free and Compulsory primary Education” in India. This initiative must however be seen as part of the following sequence of events:
  - i) In 1870, Compulsory Education Act was passed in Britain
  - ii) In 1882, Indian leaders demanded provision for mass education and Compulsory Education Acts
  - iii) In 1893, Maharaja of Baroda introduced Compulsory Education for boys in Amreli Taluk
  - iv) Maharaja of Baroda extended Compulsory Education to rest of the state in 1906
  - v) The same year in 1906, Gopal Krishna Gokhale made a plea to imperial Legislative Council for introduction of Free and Compulsory Education
  - vi) In 1910, Gokhale proposed Private Members Bill but it was rejected

- vii) In 1917, Vithalbhai Patel passed the First Law on Compulsory Education (popularly known as Patel Act) and succeeded in getting the Bill passed
  - viii) In 1918, every province in British India got Compulsory Education Act on its 1930 Statute Book
  - ix) Hartog Committee Recommendation for better quality which had less focus on quantity hindered spread and development of primary education in 1930
2. The situation worsened over the years forcing Mahatma Gandhi to give a stirring call for universal education in 1937. He solved what he called the “education puzzle” by proposing self-funded education, in what came to be known as ‘nai talim’ later” where he put all his efforts into action and contribute to the demand of universal education.
  3. In 1946, Constituent assembly began its task of working towards achieving universal education
  4. Again in the year 1947, Ways and Means (Kher) Committee was set up to explore ways and means of achieving Universal Elementary Education within ten years at lesser cost
  5. In the same year in 1947, Constituent Assembly Sub Committee on Fundamental Rights placed free and compulsory education on list of Fundamental Rights.
  6. Advisory Committee of the Constituent Assembly rejected free and compulsory education as a fundamental right in April 1947 because of costs being the reason and sent clause to list of “non-justiciable fundamental rights which was later termed as Directive Principles of State Policy.

7. In 1949, debate in Constituent Assembly removed the first line of ‘*Article 36.....*’ *every citizen is entitled as of right to free primary education and it shall be the duty of the state to*”.....and replaces it with “*The state shall endeavour to...*”. There was a question why the word primary education removed.
8. Finally in the year 1950, Article 45 of Directive Principles of State Policy accepted, “*the State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until complete the age of 14 years*”. This statement is the arrival of the original Article 45 of the Indian Constitution.
9. In the year 1993, The Supreme Court held free education until a child completes the age of 14 years to be a right.
10. Successive governments from 1993 worked towards bringing a constitutional amendment to make education a fundamental right since they were spurred by the Unnikrishnan judgement and a public demand to enforce education. This led to the 86<sup>th</sup> Amendment in December 2002 which inserted the following articles in the Constitution:
  - i) *Insertion of new Article 21 A*- After Article 21 of the Constitution, the following article shall be inserted namely- Right to Education  
 “Article 21 A- The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner, as the State may, by law determine”
  - ii) *Substitution of new article for Article 45*- For Article 45 of the Constitution, the following article shall be substituted namely- Provision for early childhood care and education to children below the age of six years.

“Article 45- The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”.

11. The original Article 45 of the Directive Principles had used the term ‘up to 14 years’ and the Unnikrishnan judgement said ‘till he completes the age of 14 years’. Both these definitions contain the age group 0-14 years. Article 21 A restricted the age group from 6-14 thereby removing the 0-6 age group from the right; relegating it to the new Article 45 of the Directive Principles.
12. After the 86<sup>th</sup> Constitutional Amendment in December 2002, the following actions took place.
  - i) In 2003, The Free and Compulsory education for Children Bill, 2003 (NDA Government) was passed
  - ii) In 2004, The Free and Compulsory Education Bill, 2004 (NDA Government) was passed
  - iii) In 2005, The Right to Education Bill, 2005 June (CABE Bill) (UPA I Government) was passed
  - iv) In 2005, The Right to Education Bill, 2005 August (UPA I Government) was passed
  - v) In 2006, Central legislation was discarded. States were advised to make their own Bills based on The Model Right to Education Bill, 2006 (UPA I Government)
  - vi) From 2008-2009, Central legislation was revived. The Right of Children to Free and Compulsory Education Bill, 2008, was introduced/passed in Lok shabha and Rajya Sabha and received the assent of the President in August 2009. However, the notification of the Act, and the 86<sup>th</sup> Amendment, issued on February 19, 2010 in the

Gazette of India, stated that implementation will begin from April 1, 2010, eight months after the presidential assent.

**5.2.0 FINDINGS AND CONCLUSIONS IN RELATION TO THE CRITICAL REVIEW OF THE PROVISIONS OF RTE ACT, 2009**

1. The Act had been criticized for being hastily-drafted and not consulting many groups active in education. Many of the ideas were seen as continuing the policies of Sarva Shiksha Abhiyan of the last decade, and the World Bank funded District Primary Education Programme (DPEP) of the 90's, both of which, while having set up a number of schools in rural areas, had been criticized for being ineffective and corruption-ridden.
2. According to the petitioners against RTE Act, 2009, the Act violated the fundamental right of private unaided schools provided under Article 19 (1)(g) of the Constitution and that of minority schools under Article 29 and 30 of the Constitution. Due to these flaws in the RTE Act, schools had been directed to provide free and compulsory education to 25% students and hence violated the fundamental rights of the petitioners to set up and administer educational institutions under Article 30(1) of the Constitution.
3. The Act discriminated between children as it did not say anything about pre-primary education for children between the age of 3 to 6 years and did not mention learning levels of children.
4. The Act was excessively input-focussed rather than outcomes-oriented. Even though better school facilities, books, uniforms and better qualified teachers were important, their significance in the Act had been overestimated in the

light of inefficient, corrupt and unaccountable institutions of education provision in India.

5. The Act unfairly penalised private unrecognised schools for their payment of market wages for teachers rather than elevated civil service wages. It also penalised private schools for lacking the infrastructural facilities defined under a Schedule under the Act.
6. According to the Act, members of School Management Committees (SMCs) that comprised mostly of parents were to be responsible for planning and managing the operations of government and aided schools. They would help the accountability of government schools and were required to volunteer their time and effort. This made an onerous burden for the poor.
7. In the RTE Act, proper disciplinary channels for teachers had not been defined.
8. The Act and the Rules required all private schools (whether aided or not) to reserve at least 25% of their seats for economically weaker and socially disadvantaged sections in the entry level class. These students would not pay fees. Private schools would receive reimbursements from the government calculated on the basis of per child expenditure in government schools. This would certainly drive up fees for private schools.
9. Section 16 of the RTE Act stated that no child shall be failed in any class or expelled from school till he or she completes elementary education. The Act also provided for special training for students who are deemed to be deficient and deserving of extra help.

10. Section 17(1) of the Act prohibited physical punishment or mental harassment of the students. While a ban on physical punishment is laudable, the one on mental harassment is incompletely defined.
11. The RTE Act mandated that unrecognised institutions which fail to meet the set criteria would have to be close down after a period of about 3 years. However, apart from mandating that the students in these schools would have a right to seek transfer to other schools within the area, the Act did not specify how and on what basis these students would be given admission in other schools.
12. Section 28 of RTE Act mandated that no teacher should engage himself or herself in private tuition activity. This intention was worthy of appreciation but incomplete without a ban of referring students for private tuition.
13. Section 24 of the Act prescribed punitive measures to be taken in case absenteeism and non-performance of duties is observed. While it prescribed the minimum duties to be undertaken by each teacher, no specification was made of what constitutes high performance.
14. While board exams have long been considered the barometer for the performance of schools in the country, RTE Act wished to do away with them entirely in the period of elementary education. This caused a flaw in the making of the implementation of RTE Act effectively.
15. The way the Act had been currently structured, life in school after 14 years will seem very difficult to a child – failing, no special classes, board exams and school fees suddenly make going to school an unattractive proposition. The number of drop outs at age 14 might therefore increase significantly.

16. The implementation of the provisions of RTE Act will be no simple matter either. The other shortfall aside, the availability of funds and teachers remain significant roadblocks in the implementation of the Act.

### **5.3.0 MAJOR FINDINGS AND CONCLUSIONS IN RELATION TO THE CHALLENGES FACED IN THE IMPLEMENTATION OF RTE ACT, 2009 IN MIZORAM**

Major Findings and Discussions in Relation to the Challenges Faced in the Implementation of RTE Act, 2009 in Mizoram are presented under the following heads:

#### **5.3.1 Major Findings and Conclusions in Relation to the Challenges Faced in the Implementation of RTE Act, 2009 in Mizoram by Schools**

1. All Government elementary schools faced challenge in providing free and compulsory education to all children admitted in their schools because education cannot be provided completely free as parents have to contribute or spend money on stationary items mainly due to the introduction of CCE. Besides, free text-books and exercise books cannot be provided for all the students for each subject.
2. All private unaided elementary schools faced challenge by the provision of RTE Act 2009, which insist them to admit in class 1, to the extent of at least 25% of the strength of that class children belonging to weaker and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion because of the fear that the school will be short of



money and therefore, fees collected from the rest of the children will have to be raised.

3. All the private unaided elementary schools faced challenge in complying with the provision of no screening procedure for admission because the number of applications sometimes exceeds the number of seats available. If admission is done on the basis of first come first system without screening the child during the time of admission, these schools feel that there will be no quality education and it is not only the school who will be having a bad reputation with poor results but it is also the child who is going to suffer. This type of challenge takes place only in the case of private unaided schools.
4. In all the Government elementary schools, non-availability of birth certificate in many cases was a challenge. This may be accorded to the fact that majority of the children come from broken families and economically disadvantaged sections of the society wherein some children do not stay with their parents and face the problem of producing birth certificate during the time of admission.
5. All the private unaided elementary schools faced challenge in accommodating more children when admission is sought subsequent to the extended period. This means that if a child is not admitted at the commencement of academic year but within the extended period, the schools will not be able to accommodate those children since there will be no vacant seats left due to lack of proper infrastructure. Government elementary schools have not faced accommodation problem.
6. Neglect of studies and neglect of duties in general by students were the main challenges faced by majority of both Government and private unaided

elementary schools in Mizoram in relation to the provision of no holding back or expulsion of a child from school till the completion of elementary education.

7. As a whole, the biggest challenge faced by elementary schools in Mizoram is that teachers are not convinced by the provision mentioned above which is followed by 'teachers' lives are no more free as they are in constant fear of violating the provision'.
8. All Government and private elementary schools in Mizoram faced the challenge of absence of provision of teaching learning equipment for each class as required; library and play materials, games and sports equipments for each class as required.
9. Problem of giving remedial teaching is the biggest challenge faced by majority of Government and private unaided elementary schools by the provision of admitting a child in a class appropriate to his/her age provided that where a child above six years of age has not been admitted in any school or though admitted, could not complete his/her elementary education due to the problem of giving remedial teaching to their students.
10. Conforming to the norms and standards set for the school under the RTE Act, 2009 was quite difficult and became a big challenge for all Government and private unaided elementary schools in Mizoram.
11. All primary schools in Mizoram could not fulfil the norms of 200 working days and 800 instructional hours per academic year for classes I to V. Besides, the norms of 220 working days and 1000 instructional hours per academic year for classes VI to VIII could not be fulfilled by all middle schools. In Mizoram, only five working days are observed in a week. Therefore, teachers

and children have only about 170 days to attend schools per academic year which is much less than the RTE norms.

12. All the Government elementary schools faced challenge in constituting School Management Committee due to lack of co-operation and lack of interest among the members. Usually in Govt. schools, children come from very poor and economically disadvantaged sections of the society where their parents or guardians are uneducated and need to struggle everyday for their survival. Therefore, even though the parents and guardians, being the members of SMC could not contribute for the upliftment of the school as they have not shown any sign of co-operation and interest but instead they were busy in earning their livelihood.
13. All Government elementary schools faced challenge in performing the functions stipulated by RTE Act 2009. They could not perform properly the functions like monitoring the working of the school, preparation and recommendation of school development plan, monitoring the utilisation of grants received from the appropriate Government or local authority or any other source and perform such other functions prescribed under section 12(2) of RTE Act 2009. Besides, they did not have sufficient time for performing the functions and since the members are not familiar about the SMC, they are not expert enough to prepare school development plan. Furthermore, the SMC members could not spare time to monitor the working of the school as they are busy in their personal business.

### **5.3.2 Major Findings and Discussions in Relation to the Challenges Faced in the Implementation of RTE Act 2009 in Mizoram by Teachers**

- 1) Majority of elementary school teachers faced challenge in maintaining regularity and punctuality in attending schools because of the congested city which causes heavy traffic jams on their way to schools and therefore, could not reach the school on time.
- 2) Majority of elementary school teachers faced challenge in relation to all round development of the children since their schools do not have adequate playground/space for physical activities to take care of all round development of their school children where the children need to engage themselves in physical activities like games and sports within the school vicinity itself.
- 3) Majority of elementary school teachers faced challenge in achieving learning through activities, discovery and exploration due to absence of adequate stationary items and other learning materials in their schools. Until and unless they have sufficient stationary items and learning materials, learning through activities, discovery and exploration cannot be achieved.
- 4) Majority of elementary school teachers faced challenge in imparting Comprehensive and Continuous Education (CCE) due to insufficient number of teachers in their schools. Ever since CCE was introduced, teachers have started facing a lot of problems as CCE requires the presence of more teachers for doing different kinds of activities with the children besides giving regular class-room instruction.
- 5) Majority of elementary school teachers have faced problem in completing the entire curriculum within a specified time due to lack of sufficient time. Many schools have started facing difficulty in completing the curriculum within a

specified time as CCE requires more time, hard work and labour and this becomes impossible for the teachers to handle both CCE and the regular class-room teaching.

- 6) Majority of elementary school teachers faced challenge in assessing the learning ability of each and every child admitted in their schools since the activities done by the children are not many and are not enough for assessing children's learning abilities. If the students are not made to do as many activities as possible, it will be difficult for the teachers to assess what kind of learning abilities that their children possess.
- 7) Majority of elementary school teachers faced challenge in holding regular meetings with parents and guardians due to non-availability of convenient time. Besides regular class-room teaching, the teachers are busy in imparting CCE to the children that needed a lot of time and effort. Therefore, they could hardly spare time in holding regular meetings with the parents and guardians.
- 8) All elementary school teachers have not faced any kind of challenge as they do not get deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislature or Parliament, as the case may be.
- 9) Majority of private unaided elementary school teachers faced challenge due to the prohibition of not to engage themselves in private tuition or private teaching because of constant pressure from the parents. This type of challenge takes place in the case of private unaided school teachers where parents can afford the best for their children and want their children to be on top position or where their children are slow in their studies from the rest of the children in the class thus giving pressure on the teachers to give private tuition to their

children and offering them reasonable pay for their tuition fees. Government elementary school teachers are free from this kind of challenge.

- 10)** Majority of elementary school teachers faced challenge in possessing minimum qualifications laid down by the academic authority as they have not undergone the required training programme. Undergoing the required training and thereby possessing the minimum qualifications required for a teacher is not possible due to inadequate number of teachers in their schools.
- 11)** Majority of elementary school teachers faced challenge due to the prohibition of not to subject a child to physical punishment or mental harassment since cases of misbehaviour and indiscipline have greatly increased among students. Since children know that they can no longer be punished, they take undue advantage among the teachers by giving them lesser respect than before and become more disruptive where teachers on the other hand are in constant fear of violating the provision.
- 12)** All the elementary school teachers could not conform to the norms of 45 teaching including preparation hours and is therefore, a big challenge for them. Mostly all the schools (middle section) in Mizoram have seven periods in a day and the duration for each period is forty-five minutes which means that they have thirty-five periods in a week. Therefore, they find it a big challenge in conforming to the norms of 45 teaching including preparation hours per week.

### **5.3.3 Major Findings and Discussions in Relation to the Challenges Faced in the Implementation of RTE Act 2009 in Mizoram by State Government**

1. The State Government faced challenge in establishing a school within such area or limits of neighbourhood, where it is not established within three years from the commencement of the Act because the funds so far sanctioned by the Central Government is not enough. Government's school mapping has been done, but if there is financial provision, school mapping needs to be revised again with thorough checking of each and every habitations and schools.
2. The State Government faced challenge in the matter of sharing financial and other responsibilities with the Central Government since the funds provided so far by the Central Government cannot meet the requirements of the State. Therefore, if the Central Government does not provide adequate funds to the State Government, the State Government will not be able to perform its duty properly and conform to the norms and standards laid down by the Act.
3. Since the State's budget for Education Department is quite low that enough funds cannot be provided for implementation of the provisions of the Act, the State Government faced difficulty in providing its share of funds for carrying out the provisions of the Act. Therefore, the State's budget for Education Department needs to be raised so that sufficient funds can be provided for successful implementation of the provisions of the Act.
4. The State Government faced problem in providing free and compulsory education to every child of the age of six to fourteen years because of existence of small and scattered habitations of some migrants in some places. Furthermore, since the State's budget for education is low to uplift and

promote the children living in these areas, provision of free and compulsory education to each and every child is not possible.

5. Because of some parents who are ignorant about the importance of education particularly of migrant community, the State Government faced problem in ensuring compulsory admission.
6. Since many schools are too far from homes, the State Government faced problem in ensuring compulsory attendance. Some children from primary and middle section are staying even more than 1 km and 3kms away from their school and since the State Government cannot provide transportation to these children because of low budget on education, they cannot maintain regularity in attending schools. Therefore, the State Government face problem in ensuring compulsory attendance because of these children who stay far away from their schools.
7. Because of inadequate number of teachers in villages and remote areas, the State Government face problem in ensuring compulsory completion of elementary education by every child. Since teachers in these areas are too less, there can be no quality education where the teachers are unable to handle and take proper care of their students especially of the slow learners. This leads to back drop of educational system in these areas where many students drop out of school and this creates a challenge on the part of the State Government where they cannot ensure compulsory completion of elementary education of each and every child.
8. Due to small and scattered habitations, the State Government faced problem in ensuring the availability of neighbourhood schools wherein all habitations cannot not be provided schools as per norms of RTE Act 2009. Although



residential school is proposed for these habitations, only minority districts viz., Lawngtlai and Mamit have so far been given residential schools as approved by Ministry of Human Resource and Development.

9. The State Government have not faced problem in ensuring that children belonging to weaker sections and disadvantaged groups are not discriminated from pursuing and completing elementary education. There is no discrimination under the State Education Department. Rather, children belonging to weaker and disadvantaged groups are given consideration by providing residential hostels so that they are not deprived of completion of elementary education.
10. Due to non-rationalization of teachers due to various reasons, the State Government faced problem in providing good infrastructure which includes school building, teaching staff and different types of learning equipments. If there is non-rationalization of teachers in the schools, there will be down fall in the standard of the schools and this will create problem for the State Government in taking initiatives and providing proper infrastructure with school building, teaching staff and learning equipments.
11. The State Government have not faced challenge in providing special training facilities to those children who are admitted in a class appropriate to their age since special training is conducted in the form of residential and non-residential schools.
12. Since the Village Education Committees (VEC) do not perform their functions properly and many of the VEC's have not updated their Village Education Register (VER), proper record of the schools concerning the student's admission, attendance, and completion of elementary education of the

students have not been done. Therefore, challenges occurred on the part of the State Government in ensuring and monitoring of admission, attendance and completion of elementary education by every child.

13. The State Government faced challenge in ensuring good quality elementary education because non-rationalization of teachers cannot be done due to various reasons. Another problem faced by the State Government in ensuring good quality elementary education is the lack of adequate teaching learning equipments. Teaching learning equipments with increased amount in unit cost is required for effective use. Because of so many dilapidated school buildings and shortage of funds to renovate the buildings, the State Government also face a big challenge in ensuring good quality elementary education where they cannot provide good infrastructure for the development and upliftment of the schools. Furthermore, since one time grant and the unit cost for library under SSA-RTE is very limited, the State Government cannot provide good quality elementary education. It also faces difficulty in ensuring good quality elementary education due to lack of insufficient play materials, games and sports equipments for each and every child. There is only very limited provision of play materials, games and sports equipment under SSA-RTE.
14. The State Government does not face problem in ensuring timely prescribing of curriculum and courses of study for elementary education since the State Council of Educational Research and Training (SCERT) that is responsible for this, is always punctual in preparing and prescribing of curriculum and courses of study for elementary education.
15. The State Government faced challenge in providing training facilities for teachers since there is no provision for substitute teachers undergoing training

and who will be taking care of their classes while they go for training. Besides, due to non-rationalization of teachers in the State, the State Government also faced a serious problem in providing training facilities for teachers. If there is non-rationalization of teachers, it will be difficult for the State Government to take necessary steps in providing training facilities for the teachers who still have to undergo the required training programme.

16. The State Government faced challenge in preparing children above the age of three years and providing them early childhood care and education until they complete the age of six years and thereby making necessary arrangement for providing free pre-school education for such children because the funds available in the State Government for education is too meagre. While the State Government does not have enough funds even for providing free and compulsory education to all children up to the age of six to fourteen years, it will not be possible at the moment to provide early childhood care and education for children above the age of three years and thereby making necessary arrangement for providing free pre-school education for such children.
17. Though the academic authority has been constituted and perform its functions, the State Government faced challenge since the academic authority does not meet the expectation of the Government. The academic authority is not performing its duty as expected by the State Government and therefore, they need to take their work more seriously for the proper implementation of the Act.
18. Due to non-rationalization of teachers, the State Government faced challenge in the implementation of Comprehensive and Continuous Evaluation (CCE).

Since more teachers are required for imparting CCE, the present number of teachers in some schools cannot meet the requirement for successful implementation of CCE. Besides, more awareness needs to be created among the parents and community for CCE.

19. The State Government faced challenge with the provision that no child shall be required to pass any board examination till the completion of their elementary education because of the belief that absence of board examination might lower the standard of education. Board examination instil in the minds of the children, a sense of competition among them. If board examination is stopped, obviously children will care less about their studies and their competitive mind will eventually go away thus leading to low standard of educational system. Due to the belief that the absence of board examination might also bring about lethargy among the teachers, the State Government face challenge with the provision where a child will not be required to pass any board examination till completion of elementary education. Board examination creates competitive thinking in the minds of both the teachers and the students where they work hard and try to produce the best results from the rest of the schools. But with the banning of board examination, the teachers will definitely lack the energy and vitality and the feeling of competitive mind will disappear which will result in poor quality of the educational system.
20. The State Government have not faced challenge in constituting State Advisory Council. The State Advisory Council has already been constituted and at present, they are doing their work efficiently for the successful implementation of the Act and thus, they also meet the expectation of the State Government so far.

#### **5.4.0 RECOMMENDATIONS FOR IMPROVEMENT OF RTE ACT, 2009 AND ITS IMPLEMENTATION IN MIZORAM**

The Right of Children to Free and Compulsory Education Act, 2009 is a welcome step in ensuring that all children between the age of 6-14 years get compulsory admission, compulsory attendance and compulsory completion of elementary education. Many of the changes introduced are simply revolutionary and if they are implemented properly, they will vastly improve the system of imparting education in the country. However, some of the provisions of the Act, although included with noble intentions, will have unintended consequences that might counter some of the advantages of the new system itself. Below are given recommendations under two headings:

5.4.1: Recommendations for Improvement of RTE Act, 2009

5.4.2: Recommendations for Improvement of the implementation of RTE Act, 2009  
in Mizoram

##### **5.4.1: Recommendations for Improvement of RTE Act, 2009**

1. Amendment to certain provisions of the Act should be carried out as the Act has been criticized for being hastily-drafted, not consulting many groups active in education and not free from certain defects and limitations. It has been learnt that MHRD has received representations from organizations (a) working for the welfare of the children with disabilities and (b) who set up minority institutions, seeking certain Amendment to the Act and that Amendments to the principle Act have been introduced in the Rajya Sabha.

The process should be carried out as fast as possible so that necessary amendments may be made in the near future.

2. To address the criticism that the Act does not say anything about pre-primary education for children between the age of 3 to 6 years; the central government through MHRD should look into the matter carefully in consultation with the Ministry of Women and Child Development. Bringing pre-school learning into RTE would mean decreasing the age limit from six years to three/four years. However, it must be ensured that pre-school learning is not made formal.
3. As elementary education is a state subject, the state government in its State RTE Rules should work out efficient monitoring mechanism for schools so that better facilities and provisions given to them under RTE Act are utilized for promotion of better quality education. This will address the criticism that the Act is excessively input-focussed and the importance of better facilities has been overestimated in the light of inefficient, corrupt and unaccountable institutions of education provisions in India.
4. With regard to the Act requiring the government action to shut down private unrecognized schools lacking the requirement of infrastructural facilities and others, one alternative would have been to include in the Act, mechanisms through which public resources could have been infused into these schools.
5. To address the criticism that members of School Management Committees (SMCs) that comprises mostly of parents, are required to volunteer their time and effort and this is an onerous burden for the poor; sitting allowance or payment of some compensation to them will help increase the time and focus upon these.

6. In the RTE Act, proper disciplinary channels for teachers have not been defined. To address this issue, a provision should be made in the Act that gives SMCs the power to allow speedy disciplinary action at the local level.
7. The Act and the Rules require all private schools (whether aided or not) to reserve at least 25% of their seats for economically weaker and socially disadvantaged sections in the entry level class. These students will not pay fees. Private schools will receive reimbursements from the government calculated on the basis of per child expenditure in government schools. This will be tantamount to a tax on private schools and they will end up charging more to the 75% of students.
8. With regard to the stand that says “the government fails to appreciate that failing a child also serves as a protective mechanism” in criticising section 16 of the RTE Act that prohibits failing and expulsion of students in any class till completion of elementary education, the government should rationalize teachers and provide enough number of teachers to each school. The provision of special training in the Act should be implemented for students who are deemed to be deficient and deserving of extra help.
9. To address the criticism that while section 17(1) of the Act that prohibits physical punishment or mental harassment of the students is laudable, the one on mental harassment is incompletely defined; clear definition of the term should be added to the provision by way of amendment so as to avoid misinterpretation as well as misuse of the provision by both teachers and students or their parents. Another solution seems to be introduction of a uniform escalation and protection mechanism for students, along with clearly

defining what mental harassment constitutes, allowing students and teachers to be aware of potential violations when they occur.

10. The Act does not specify how and on what basis students of closed-down-unrecognised institutions as a result of failing to meet the set criteria will be given admission in other schools. The Act may be amended to include the provision for the state to open as many recognised schools (of approximately similar capacity) as the number of unrecognised schools that it closes down.
11. As banning teachers from taking private tuitions (section 28 of RTE Act) does not do away with the practice of some teachers referring their students for tuitions with private teachers, with of course a money sharing arrangement being worked out between the two; the said provision should be accompanied with a ban of referring students for private tuition.
12. No specification is made of what constitutes high performance while section 24 of the Act prescribes punitive measures to be taken in case absenteeism and non-performance of duties is observed. This issue is to be addressed by including clear specification of what constitutes high performance in the Act. For this, a system of fixed term performance based contracts and bonus payments based on group performance can be used. Test scores can and should be used as the basis for judgement of teacher performance. Teachers can initially be employed on contracts and then given permanent position and higher pay based on performance. The money so saved initially can be used for providing bonuses.
13. To address the criticism of the Act for not ensuring that children do not drop out after age 14, the RTE Act should be extended till class X from the current



provision of class VIII. The government's initiatives for universalizing secondary education through RMSA would make this easier.

14. It is important for every citizen of this State to simultaneously ensure its proper implementation of the Act. Besides bringing about design changes, we as responsible civil society members need to make the state Governments accountable through social audits, filing right to information applications and demanding our children's right to quality elementary education. It is, therefore, critically important for us to follow such cases and where feasible provide support which addresses their concerns without jeopardising the implementation of the Act.

Though RTE Act does pose a number of challenges, it presents the country with a great opportunity. Different agencies like the UNICEF and other government departments should join hands at community, state and national levels to make RTE Act a reality for India's children. We cannot afford to fail in making RTE Act a success as the world is watching India as it prepares itself to take a lead role in education.

#### **5.4.2: Recommendations for Improvement of the implementation of RTE Act, 2009 in Mizoram**

Below are some of the recommendations for the future development and improvement of the implementation of RTE Act, 2009 in Mizoram:

1. In order to provide free and compulsory education for all children, sufficient financial assistance should be given for every school so that it is free from lack of different kinds of teaching learning equipments.

2. For 25% reservation of seats to children of weaker and disadvantaged group in the neighbourhood and providing them free and compulsory education, the Government should look into the matter on how to select those 25% of children and how to admit them in Class I and how it is going to monitor the whole process.
3. Regarding banning of screening procedure for admission, private schools should be made aware of the evils of screening and encouraged to adopt first come first serve or lottery system for selecting students for admission when the demand exceeds the supply.
4. Birth certificate need not be an issue during the time of admission especially in Government elementary schools as many of the students come from very poor and broken family background and they do not stay with their parents. Therefore, it is a problem for these children to produce birth certificate.
5. Regarding the provision of not to hold back a child in any class or expel a child from school till the completion of elementary education, teachers should be convinced that if and when CCE is implemented with all sincerity and in the right spirit, the said provision is not going to dilute the quality of education.
6. Teachers should be convinced that physical punishment and mental harassment is not the only solution for undisciplined students. They should be made aware of their role as character builder and they should be equipped with psychological know how on how to deal effectively with children
7. There should be rationalization of teachers so that adequate number of teachers is present in every school. This will make it possible to give special attention and remedial teaching to all students especially to those who have

been admitted after the commencement of the academic year and admission of a child above six years of age who has never been admitted in any schools before and admit them in a class appropriate to their age.

8. Every school in Mizoram need to take more effort and increase the number of working days per academic year in order to keep up with the norms of minimum number of working days which is 200 for primary and 220 for middle schools.
9. The schools also need to make suitable adjustments in their time table and increase their working hours in order to conform to the norms of 45 teaching including preparation hours per week.
10. School Management Committee should be constituted but some incentives need to be given to the members of SMC in terms of their performance so that they may be able to perform and take their work more seriously for the development of the school.
11. Sufficient number of teaching learning aids and games and sports equipments should be provided in every school so that students can achieve their all round development and learning through activities, discovery and exploration.
12. Curriculum needs to be made lighter since the schools find it a big challenge in completing the curriculum within a specified time especially after the introduction of Comprehensive and Continuous Evaluation (CCE).
13. Severe penalty should be given to those teachers who engage themselves in private tuition or private teaching since all parents cannot afford in taking private tuitions for their children. There needs to be proper balance and co-ordination between the rich and the poor.

14. Only trained teachers should be employed in order to raise the standard and quality of the schools. Substitute teachers should be provided to those schools where teachers have to undergo the required training programme.
15. The Central Government should provide adequate funds to the State Government in order to establish schools in the neighbourhood and for revision of school mapping so that each and every habitations and schools could be checked. This will also help the Government to set up schools in small and scattered habitations of some migrants in some places.
16. The Central Government should also sanction adequate funds so that the requirements of the State Government could be easily met. In this way, the State Government will be able to fulfil the norms and standards for the successful implementation of the Act.
17. More awareness needs to be made to parents living in these migrant and remote areas so that they can be aware of the importance of education for their children and will solve the problem of ensuring compulsory admission to a certain extent.
18. In order to ensure compulsory admission, compulsory attendance and compulsory completion of elementary education by every child, the State's Budget for Education Department need to be raised.
19. There should be rationalization of teachers in the State so that the State Government can take initiatives in providing proper infrastructure with school building, teaching staff and learning equipments. It will also be easier for the State Government to take necessary steps in providing training facilities for the teachers who still have to undergo the required training programme.

20. Since many schools have neglected in updating the Village Education Register, initiatives need be taken once again where every schools should update their VER.
21. The various provisions under RTE-SSA need to be raised so that dilapidated school buildings can be reconstructed, sufficient play materials, games and sports equipments will be provided and grant for library will also be raised which will help in improving the successful implementation of the Act in the State.
22. Since the SSA budget head for training of the SMC is only adequate for training of 2-3 members, it needs to be significantly enhanced to reach out to the whole body.
23. Clear mechanisms for grievance redressal for violations of RTE need to be specified- a standard operating procedure needs to be put in place for issues outside the control of SMC (eg.,teacher shortages, infrastructure gaps etc) or when a satisfactory resolution could not be found by the SMC locally (eg.,corporal punishment, discrimination) and a case has to be referred upwards.
24. Since the belief that ‘absence of board examination will result in lower standard of education and lethargy among the teachers’ is a challenge faced by the State Government, it is important to make teachers, parents and public aware of the positive implication of the absence of board examination for elementary students. It should be ensured that ‘no failing system’ or ‘absence of board examination’ is not compromised with quality education.
25. The quality of education is an intangible parameter. The Government must ensure that delivery mechanisms for funds transfer for the RTE Act have sufficient integrity or else we might see funds disappearing, ‘ghost’ students

being educated, and deserving students being left out of the system, citing ‘implementation difficulties’.

From the above mentioned recommendations, the people of Mizoram, the State Government and the Headmasters and teachers of every school in Mizoram need to be more aware of the Act so that implementation of RTE Act, 2009 would be more effective and march towards better progress. If the above recommendations are taken into a serious matter, the Act will definitely bring about improvement and development for the present and future generation of the State of Mizoram.

#### **5.5.0 SUGGESTIONS FOR FURTHER RESEARCH**

The present study analyses the challenges faced by schools, teachers and State Government in the implementation of RTE Act, 2009 in Mizoram. It may be assumed that some more researchers would take up their research work in this area in the coming future. Therefore, the following suggestions have been made by the investigator for further research in this particular field:

1. An analytical study of the provisions of RTE Act, 2009 and RTE model rules, 2010
2. A study of the implementation of RTE Act, 2009 and RTE model rules, 2010 in north-eastern states of India
3. A study of the problems faced in the implementation of RTE Act, 2009 by schools and teachers in north-eastern states of India
4. A study of the impact of RTE Act, 2009 on schools and students in Mizoram
5. Attitude of parents and teachers towards the implementation of RTE Act, 2009 in Mizoram

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## APPENDIX - I

### THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

(35 of 2009)

[26th August, 2009]

*An Act to provide for free and compulsory education to all children of the age of six to fourteen years.*

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows :-

#### CHAPTER - I PRELIMINARY

##### **1. Short title, extent and commencement**

- (1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.
- (2) It shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

##### **2. Definitions** – In this Act, unless the context otherwise requires, –

- (a) "appropriate Government" means –
  - (i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;
  - (ii) in relation to a school, other than the school referred to in sub- clause (i), established within the territory of –
    - (A) a State, the State Government;
    - (B) a Union territory having legislature, the Government of that Union territory;
- (b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

- (c) "child" means a male or female child of the age of six to fourteen years;
- (d) "child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;
- (e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;
- (f) "elementary education" means the education from first class to eighth class;
- (g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;
- (h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;
- (i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006);
- (j) "Notification" means a notification published in the Official Gazette;
- (k) "parent" means either the natural or step or adoptive father or mother of a child;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "Schedule" means the Schedule annexed to this Act;
- (n) "school" means any recognised school imparting elementary education and includes –
  - (i) a school established, owned or controlled by the appropriate Government or a local authority;
  - (ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;
  - (iii) a school belonging to specified category; and
  - (iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;
- (o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method;
- (p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;



- (q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

## *CHAPTER - II*

### **RIGHT TO FREE AND COMPULSORY EDUCATION**

#### **3. Right of child to free and compulsory education –**

- (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.
- (2) For the purpose of sub-section (1), 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 the elementary education :

Provided that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996 (1 of 1996), shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

## **COMMENTS**

### **(Based on Notes on Clauses of the Bill)**

Section 3 provides for every child of the age of six to fourteen years, the right to free and compulsory education in a neighbourhood school till the completion of elementary education.

4. **Special provisions for children not admitted to, or who have not completed, elementary education.** – Where a child above six years of age has not been admitted in 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:

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

## **COMMENTS**

### **(Based on Notes on Clauses of the Bill)**

Section 4 provides for children above six years, who have either not been admitted to any school or, admitted but could not complete elementary education, the right to be admitted to a class appropriate to his or her age for completing elementary education and also special training to enable such children to be at par with other children and also making said children entitled for free education till completion of their elementary education, even after fourteen years.

#### **5. Right of transfer to other school. –**

- (1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.
- (2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.
- (3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

## COMMENTS

### (Based on Notes on Clauses of the Bill)

Section 5 provides a child, the right to seek transfer from one school to another, either within a State or outside and for immediate issue of transfer certificate to such child and also for liability for disciplinary action against the in-charge of the school delaying issuance of transfer certificate.

## CHAPTER - III

### DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

- 6. Duty of appropriate Government and local authority to establish school.** – For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.
- 7. Sharing of financial and other responsibilities.** –
- (1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.
  - (2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.
  - (3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.
  - (4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.
  - (5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to

a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

- (6) The Central Government shall –
- (a) develop a framework of national curriculum with the help of academic authority specified under section 29;
  - (b) develop and enforce standards for training of teachers;
  - (c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

## COMMENTS

### (Based on Notes on Clauses of the Bill)

Section 7 provides for financial and other responsibilities of the Central Government and the State Governments and for developing by the Central Government of a national curriculum and the standards for training of teachers.

- 8. Duties of appropriate Government.** – The appropriate Government shall –
- (a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

Explanation.-The term "compulsory education" means obligation of the appropriate Government to-

- (i) provide free elementary education to every child of the age of six to fourteen years; and
- (ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

- (b) ensure availability of a neighbourhood school as specified in section 6;
- (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;
- (d) provide infrastructure including school building, teaching staff and learning equipment;
- (e) provide special training facility specified in section 4;
- (f) ensure and monitor admission, attendance and completion of elementary education by every child;
- (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
- (h) ensure timely prescribing of curriculum and courses of study for elementary education; and
- (i) provide training facility for teachers.

**9. Duties of local authority.** –Every local authority shall-

- (a) provide free and compulsory elementary education to every child:  
 Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;
- (b) ensure availability of a neighbourhood school as specified in section 6;
- (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

- (d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;
- (e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;
- (f) provide infrastructure including school building, teaching staff and learning material;
- (g) provide special training facility specified in section 4;
- (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
- (i) ensure timely prescribing of curriculum and courses of study for elementary education;
- (j) provide training facility for teachers;
- (k) ensure admission of children of migrant families;
- (l) monitor functioning of schools within its jurisdiction; and
- (m) decide the academic calendar.

**10. Duty of parents and guardian.-** It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

**11. Appropriate Government to provide for pre-school education.-** With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

#### *CHAPTER - IV*

### **RESPONSIBILITIES OF SCHOOLS AND TEACHERS**

**12. Extent of school's responsibility for free and compulsory education.-**

- (1) For the purposes of this Act, a school,-
  - (a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

- (b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.;
- (c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

- (2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child- expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

- (3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

**13. No capitation fee and screening procedure for admission.-**

- (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.
- (2) Any school or person, if in contravention of the provisions of sub-section (1)-
  - (a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;
  - (b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

**14. Proof of age for admission.-**

- (1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886) or on the basis of such other document, as may be prescribed.
- (2) No child shall be denied admission in a school for lack of age proof.

**15. No denial of admission.-** A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

**16. Prohibition of holding back and expulsion.** – No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

**17. Prohibition of physical punishment and mental harassment to child.-**

- (1) No child shall be subjected to physical punishment or mental harassment.
- (2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.



**18. No school to be established without obtaining certificate of recognition.-**

- (1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.
- (2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

- (3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighborhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

- (4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.
- (5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

## COMMENTS

### (Based on Notes on Clauses of the Bill)

Section 18 provides for issuance of a Certificate of Recognition for establishing a school and for withdrawal of said recognition and also for imposition of fine for contravention.

#### **19. Norms and standards for school1.-**

- (1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.
- (2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.
- (3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.
- (4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.
- (5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

## COMMENTS

### (Based on Notes on Clauses of the Bill)

Section 19 provides for fulfilment of norms and standards by schools for recognition, withdrawal of recognition and imposition of fine in case of contravention.

**20. Power to amend Schedule.-** The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

**21. School Management Committee.**

(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that at least three-fourth of members of such Committee shall be parents or guardians:

Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

Provided also that fifty percent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:-

- (a) monitor the working of the school;
- (b) prepare and recommend school development plan;
- (c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and
- (d) perform such other functions as may be prescribed.

**22. School Development Plan.-**

(1) Every School Management Committee, constituted under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

**23. Qualifications for appointment and terms and conditions of service of teachers.**

(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

- (2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

- (3) The salary and allowances payable to, and the terms and conditions of service of, teacher shall be such as may be prescribed.

**24. Duties of teachers and redressal of grievances.-**

- (1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely.-
- (a) maintain regularity and punctuality in attending school;
  - (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;
  - (c) complete entire curriculum within the specified time;
  - (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;
  - (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and
  - (f) perform such other duties as may be prescribed.
- (2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her:

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

- (3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

**25. Pupil-Teacher Ratio.-**

- (1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.
- (2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

**26. Filling up vacancies of teachers.-** The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten per cent. of the total sanctioned strength.

**27. Prohibition of deployment of teachers for non-educational purposes.-** No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

**COMMENTS**

**(Based on Notes on Clauses of the Bill)**

Section 27 provides for prohibition of deployment of teachers for non-educational purposes, except for decennial population census, disaster relief, elections to local authority, State Legislature and Parliament.

**28. Prohibition of private tuition by teacher.-** No teacher shall engage himself or herself in private tuition or private teaching activity.

*CHAPTER - V*  
**CURRICULUM AND COMPLETION OF  
ELEMENTARY EDUCATION**

**29. Curriculum and evaluation procedure.-**

- (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.
- (2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:-
  - (a) conformity with the values enshrined in the Constitution;
  - (b) all round development of the child;
  - (c) building up child's knowledge, potentiality and talent;
  - (d) development of physical and mental abilities to the fullest extent;
  - (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
  - (f) medium of instructions shall, as far as practicable, be in child's mother tongue;
  - (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
  - (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

**30. Examination and completion certificate.-**

- (1) No child shall be required to pass any Board examination till completion of elementary education.
- (2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

**COMMENTS**

**(Based on Notes on Clauses of the Bill)**

Section 30 provides for prohibition of requiring any child to pass examinations till completion of elementary education and for issuance of a certificate of completion of elementary education.

**CHAPTER - VI**  
**PROTECTION OF RIGHT OF CHILDREN**

**31. Monitoring of child's right to education.-**

- (1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:-
  - (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
  - (b) inquire into complaints relating to child's right to free and compulsory education; and
  - (c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.
- (2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.
- (3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

**COMMENTS**

**(Based on Notes on Clauses of the Bill)**

Section 31 provides for certain additional functions and powers of the National and State Commissions for Protection of Child Rights to be performed in pursuance of the provisions of this Act.

### **32. Redressal of grievances.-**

- (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.
- (2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.
- (3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.
- (4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

### **33. Constitution of National Advisory Council.-**

- (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.
- (2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.
- (3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

### **34. Constitution of State Advisory Council. -**

- (1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.
- (2) The functions of the State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.
- (3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.



*CHAPTER VII*  
**MISCELLANEOUS**

**35. Power to issue directions.-**

- (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.
- (2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.
- (3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

**36. Previous sanction for prosecution.-** No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

**37. Protection of action taken in good faith.-** No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

**COMMENTS**

**(Based on Notes on Clauses of the Bill)**

Section 37 provides for protection, against any legal suit or proceedings, to appropriate Government, local authority, school management committee or any person for any action taken in good faith.

### **38. Power of appropriate Government to make rules.-**

- (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-
  - (a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;
  - (b) the area or limits for establishment of a neighborhood school, under section 6;
  - (c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;
  - (d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;
  - e) any other document for determining the age of child under sub-section (1) of section 14;
  - (f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;
  - (g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;
  - (h) the form, the period, the manner and the conditions for issuing Certificate of Recognition, under sub-section (2) of section 18;
  - (i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;
  - (j) the other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;
  - (k) the manner of preparing School Development Plan under sub-section (1) of section 22;
  - (l) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (3) of section 23;
  - (m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;
  - (n) the manner of redressing grievances of teachers under sub-section (3) of section 24;
  - (o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

- (p) the authority, the manner of its constitution and the terms and conditions there for, under sub-section (3) of section 31;
  - (q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;
  - (r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34.
- (3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.
- (4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislatures.

*THE SCHEDULE*

(See Sections 19 and 25)

**NORMS AND STANDARDS FOR A SCHOOL**

Sl. No.	Item	Norms and Standards	
1.	Number of teachers :		
(a)	For first class to fifth class	Admitted children	Number of teacher
		Up to Sixty	Two
		Between sixty-one to ninety	Three
		Between Ninety-one to one hundred and twenty	Four
		Between One hundred and twenty one to two hundred	Five
		Above One hundred and fifty children	Five plus one Head-teacher
		Above Two hundred Children	Pupil - Teacher Ratio (excluding Head- Teacher) shall not exceed forty
(b)	For sixth class to eight Class	(1)	At least one teacher per class so that there shall be at least one teacher each for
		i)	Science and Mathematics
		ii)	Social Studies
		iii)	Languages
		(2)	At least one teacher for every thirty-five children
		(3)	Where admission of children is above one Hundred -
		i)	a full time head-teacher
		ii)	part time head-teacher;
		(A)	Art Education;
		(B)	Health and Physical Education;
		(C)	Work Education

Sl. No.	Item	Norms and Standards
2.	Building	<p>All-weather building consisting of -</p> <ul style="list-style-type: none"> <li>i) At least one class-room for every teacher and an office-cum-store-cum-Head teacher's room;</li> <li>ii) Barrier-free access;</li> <li>iii) Separate toilets for boys and girls;</li> <li>iv) Safe and adequate drinking water facility to all children</li> <li>v) A kitchen where mid-day meal is cooked in the school;</li> <li>vi) Playground;</li> <li>vii) Arrangements for securing the school building by boundary wall or fencing</li> </ul>
3.	Minimum number of working days/ instructional hours in academic year	<ul style="list-style-type: none"> <li>i) two hundred working days for first class to fifth class;</li> <li>ii) Two hundred and twenty working days for sixth class to eight class</li> <li>iii) eight hundred instructional hours per academic year for first class to fifth class;</li> <li>iv) one thousand instructional hours per academic year for sixth class to eight class</li> </ul>
4.	Minimum number of working hours per week for the teacher	forty five teaching including preparation hours
5.	Teaching learning equipment	shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books
7.	Play material, games and Sports equipment.	shall be provided to each class as required.

## **APPENDIX - II**

### **LIST OF SAMPLE ELEMENTARY SCHOOLS**

#### **I. GOVERNMENT ELEMENATRY SCHOOLS**

1. Govt. P/S III, Tuikual South
2. Govt. P/S, Bethlehem
3. Govt. P/S II, Salem
4. Govt. P/S II, Saitual
5. Govt. M/S II, Keifang
6. Govt. P/S V, Durtlang
7. Govt. Chhinlung Academy P/S, Bawngkawn
8. Govt. Bawngkawn P/S I, Bawngkawn
9. Govt. Zarkawt P/S I, Zarkawt
10. Govt. P/S I, Saitual
11. Govt. Kulikawn P/S I, Kulikawn
12. Govt. Kulikawn P/S
13. Govt. Bible M/S, Venghlui
14. Govt. Venghlui M/S
15. Govt. M/S I Bethlehem
16. Govt. TBL M/S, Khatla
17. Govt. Nursery M/S, Nursery Veng
18. Govt. Nursery M/S, Nursery Veng
19. Govt. Middle School, Salem
20. Govt. Thanbuka M/S, Khatla 'S'
21. Govt. M/S III, Durtlang

#### **II. PRIVATE UNAIDED ELEMENTARY SCHOOLS**

1. Holy Heart School
2. Home Mission School
3. K.V Multipurpose School
4. Lalmalsawma Memorial School
5. New Hof School
6. Rose Bud School

## APPENDIX-III

### QUESTIONNAIRE FOR HEADMASTER

(for collecting information about the challenges faced by the schools)

1. Does your school face any challenge in providing free and compulsory education to all children admitted therein? Yes/No. If yes, specify them (For Government schools)
  - (a) Education cannot be provided completely free as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE ( )
  - (b) Education cannot be provided completely free as the amount allocated for text-books and exercise books for each child is less than the actual price of the books ( )
  - (c) Compulsory attendance cannot insisted be if and when children and parents are not aware enough of its importance ( )
  - (d) Compulsory completion of elementary education will be hard to achieve if and when children are irregular in attendance and do not do most of the activities for CCE ( )
  - (e) Any other \_\_\_\_\_
  
2. As per RTE Act 2009, section 12 (c), a school belonging to specified category and an unaided schools are to admit in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. What challenges are faced by your school in fulfilling the provision? (For private unaided schools)
  - (a) The school will be short of money ( )
  - (b) The school will not be able to go on ( )
  - (c) Fees collected from the rest of the children will have to be raised ( )
  - (d) Any other \_\_\_\_\_
  
3. Does your school face any challenge in complying with the provision of no screening procedure for admission? Yes/No. If yes, specify them
  - (a) The number of applications exceeds the number of seats available ( )
  - (b) It is the desire of every schools to admit better students ( )
  - (c) Without screening, many good students are denied admission ( )
  - (d) Any other \_\_\_\_\_

4. In determining the age of a child on the basis of birth certificate issued in accordance with the provisions of Births, Deaths and Marriages Registration Act, 1886, does the school face any challenge?
- (a) Non-availability of birth certificate in many cases ( )
- (b) Problem of obtaining certificate by parents ( )
- (e) Compulsory completion of elementary education will be hard to achieve if and when children are irregular in attendance and do not do most of the activities for CCE ( )
- (d) Any other \_\_\_\_\_
5. What difficulty does your school have in giving admission to a child if such admission is sought subsequent to the extended period?
- (a) Accomodation problem ( )
- (b) Insufficient number of teachers ( )
- (c) Any other \_\_\_\_\_
6. What problems does your school encounter due to the provision of RTE Act which prohibits holding back in any class or expulsion of a child from school till the completion of elementary education?
- (a) Students become more indisciplined ( )
- (b) Students become more irregular in attendance ( )
- (c) Any other \_\_\_\_\_
7. What challenges are faced by your school in ensuring the RTE Act provision which prohibits physical punishment and mental harassment to a child?
- (a) Due to this provision, cases of misbehaviour and indiscipline have greatly increased among students ( )
- (b) Teachers are belittled by the provision ( )
- (c) Teachers are no more in a position to curb and check undesirable behaviour practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants ( )
- (d) Teachers are less respected by the students ( )
- (e) Teacher's lives are no more free as they are in constant fear of violating the provision ( )
- (f) Teachers are not convinced by the provision ( )
- (g) Any other \_\_\_\_\_



8. What are the difficulties that your school face in order to conform to the norms and standards for a school prescribed by RTE Act 2009?

- (a) The number of teachers is too less ( )
- (b) The school has no office cum store cum Head teachers room ( )
- (c) Access to school is not barrier free ( )
- (d) No separate toilets for boys and girls ( )
- (e) No playground attached to school building ( )
- (f) No boundary wall/fencing ( )
- (g) Working days in an academic year are less than the prescribed norms ( )
- (h) Instructional hours per academic year are less than the prescribed norms ( )
- (i) Working hours per week for the teacher are less than the prescribed norms ( )
- (j) No teaching learning equipment is provided to each class as required ( )
- (k) No library ( )
- (l) Book shelves are there in the name of library but without the provision of: ( )
  - (i) Newspaper ( )
  - (ii) Magazines ( )
  - (iii) Books on all subjects including story books ( )
- (m) No play materials, games and sports equipment provided to each class as required ( )
- (n) No kitchen shed ( )

9. Where a child above six years of age has not been admitted in any school or though admitted, could not complete his/her elementary education, do you face problem in admitting that child in a class appropriate to his/her age as per section 4 of RTE Act 2009?

- (a) No quality education ( )
- (b) Problem of giving more attention ( )
- (c) Problem of having good results ( )
- (d) Problem of giving remedial teaching ( )
- (e) Shortage of teachers ( )
- (f) Any other \_\_\_\_\_

10. What challenges are faced by the teachers in conforming to the norms of 200 working days for primary and 220 for middle schools in an academic year?

(a) \_\_\_\_\_  
\_\_\_\_\_

(b) \_\_\_\_\_  
\_\_\_\_\_

(c) \_\_\_\_\_  
\_\_\_\_\_

11. Do you face problem in constituting School Management Committee?

(a) Difficulty in finding suitable person ( )

(b) Lack of co-operation among the members ( )

(c) Lack of interest among the members ( )

(d) Any other \_\_\_\_\_

12. Does your SMC face difficulties in performing the following functions?

(a) Monitor the working of the school Yes/No

(b) Prepare and recommend school development plan Yes/No

(c) Monitor the utilization of the grants received from the appropriate Government or local authority or any other source Yes/No

(d) Perform such other functions as may be prescribed Yes/No

If Yes, specify them

(a) As the SMC is newly constituted, it has not had sufficient time for performing its functions ( )

(b) SMC members are not expert enough to prepare school development plan ( )

(c) SMC members cannot spare time to monitor the working of the school as they are busy in their personal business ( )

## APPENDIX-IV

### QUESTIONNAIRE FOR TEACHERS

(for eliciting the required data relating to challenges faced by them)

1. What challenges do you encounter to maintain regularity and punctuality in attending school?
  - (a) School is far from home ( )
  - (b) Lack of transportation ( )
  - (c) Traffic jam ( )
  - (d) Health problems of self ( )
  - (e) Health problems of family members ( )
  - (f) Any other \_\_\_\_\_
  
2. What are the challenges faced by you in conducting and completing the curriculum as laid down by the academic authority as per section 24 (b) and 29 (2) of RTE Act 2009?
  - I. in relation to all round development of the child
    - (a) No adequate playground/space for physical activities ( )
    - (b) No play materials and equipments for physical activities ( )
    - (c) Number of teachers is not enough to take care of all round development of children ( )
    - (d) Family background and social status of children limit the scope of development ( )
    - (e) Irregularity of children in attendance ( )
  
  - II. In relation to learning through activities, discovery and exploration
    - (a) Absence of adequate stationary items and other learning materials ( )
    - (b) Absence of adequate number of teachers ( )
    - (c) Teachers are inexperienced in this ( )
    - (d) lack of suitable places near the school where children can be taken for discovery and exploration ( )
  
  - III. In relation to Comprehensive and Continuous Evaluation (CCE)
    - (a) Shortage of time ( )
    - (b) Shortage of teachers ( )
    - (c) Lack of infrastructure ( )
    - (d) Lack of teaching aids ( )

- (e) Negligence of teachers ( )
- (f) Shortage of papers and materials ( )
- (g) Financial problems ( )

3. Do you face problem in conducting and completing the entire curriculum within the specified time?

- (a) Lack of sufficient time ( )
- (b) Shortage of teachers ( )
- (c) Negligence of teachers ( )
- (d) Health problem among teachers ( )
- (e) Any other \_\_\_\_\_

4. What difficulties do you encounter in assessing the learning ability of each child?

- (a) Activities done by children are not many and are not enough for assessing children's learning abilities ( )
- (b) There are some irregular children who do very less number of activities ( )
- (c) Physically or mentally challenged children are hard to assess ( )
- (d) Any other \_\_\_\_\_

5. Do you face problem in holding regular meetings with parents and guardians?

- (a) Non-availability of convenient time ( )
- (b) Shortage of teachers ( )
- (c) Lack of communication ( )
- (d) Lack of infrastructure ( )
- (e) Any other \_\_\_\_\_

6. Do you face the problem of being deployed for non-educational purposes other than decennial population census, disaster relief duties or duties relating to the elections to the local authority or the State Legislatures or Parliament, as the case may be as per section 27 of RTE Act 2009? Yes/No. If yes, what are the purposes?

- (a) \_\_\_\_\_  
\_\_\_\_\_
- (b) \_\_\_\_\_  
\_\_\_\_\_
- (c) \_\_\_\_\_  
\_\_\_\_\_

7. What challenges are faced by you due to prohibition of private tuition or private teaching by teacher?
- (a) Pressure from children ( )
  - (b) Pressure from parents ( )
  - (c) Financial pressure among the teachers ( )
  - (d) Any other \_\_\_\_\_
8. Do you face problems in possessing such minimum qualifications as laid down by an academic authority? Yes/No. If yes, specify them
- (a) My educational qualification is lower than the prescribed minimum qualification ( )
  - (b) I have not undergone the required training programme ( )
  - (c) Undergoing the required training is not possible due to inadequate number of teachers in our school and no provision for substitute teachers ( )
  - (d) Any other \_\_\_\_\_
9. What challenges are faced by the teachers due to RTE Act provision which prohibits physical punishment and mental harassment to a child?
- (a) Due to this provision, cases of misbehaviour and indiscipline have greatly increased among students ( )
  - (b) Teachers are belittled by the provision ( )
  - (c) Teachers are no more in a position to curb and check undesirable behaviour practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants ( )
  - (d) Teachers are less respected by the students ( )
  - (e) Teacher's lives are no more free as they are in constant fear of violating the provision ( )
  - (f) Any other \_\_\_\_\_
10. What challenges are faced by the teachers in conforming to the norms of 45 teaching including preparation hours per week for the teacher?
- (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_

## APPENDIX-V

### QUESTIONNAIRE FOR STATE GOVERNMENT

(for eliciting information about the challenges faced by them)

1. As per Section 6 of RTE Act 2009, the State Government is to establish within such area or limits of neighbourhood (i.e., 1 km radius for primary schools and 3 kms for upper primary schools) a school where it is not established, within a period of 3 years from the commencement of the Act. What problem does the State Government face in this regard?
  - (a) No school mapping has been done ( )
  - (b) No proposal has been prepared & submitted ( )
  - (c) No funds available ( )
  - (d) Funds not yet sanctioned ( )
  - (e) Funds so far sanctioned is not enough ( )
  - (f) Any other \_\_\_\_\_
  
2. What problems does the State Government face in the matter of sharing financial and other responsibilities with the Central Government as per Section 7 of RTE Act 2009?
  - (a) The Central Government has not prepared or conveyed the estimates of capital and recurring expenditure for the implementation of the provisions of the Act. ( )
  - (b) The Central Government has not provided grants (capital and recurring expenditure for the implementation of the provisions of the Act. ( )
  - (c) The funds provided so far by the Central Government could not meet the requirement of the State ( )
  - (d) Any other \_\_\_\_\_
  
3. What difficulties are faced by the State Government in providing its share of funds for carrying out the provisions of the Act as per Section 7 (4)?
  - (a) Central Government has not made request to the President to take steps for providing additional funds to the State Government ( )
  - (b) The Central Government/Finance Commission has not examined the need for additional resources to provide to the State Government so that the State Government may provide its share of funds for carrying out the provisions of the Act. ( )

- (c) Additional funds/resources have not been provided or received by the State Government ( )
- (d) The State's budget for Education Department is quite low that enough funds cannot be provided for implementation of the provisions of the Act ( )
- (e) Any other \_\_\_\_\_
4. What problems are faced by the State Government in providing free and compulsory education to every child of the age of six to fourteen years as per section 8 (a) of RTE Act 2009?
- (a) Some parents do not want to send their children to schools due to their religious beliefs ( )
- (b) Some parents do not send their children to schools due to poverty of families ( )
- (c) Existence of small and scattered habitations of some migrants in some places ( )
- (d) Any other \_\_\_\_\_
5. What problems are faced by the State Government in ensuring compulsory admission?
- (a) Some parents do not allow their children to get admitted in schools due to religious superstition ( )
- (b) Ignorance of some parents particularly of migrant community about the importance of education ( )
- (c) Seasonal migration of some families ( )
- (d) Any other \_\_\_\_\_
6. What problems are faced by the State Government in ensuring compulsory attendance?
- (a) Many schools are not easily accessible ( )
- (b) Many schools are too far from homes ( )
- (c) Some girls have to attend to younger siblings ( )
- (d) Any other \_\_\_\_\_
7. What problems are faced by the State Government in ensuring compulsory completion of elementary education by every child?
- (a) Low attendance of students ( )
- (b) Too less number of teachers in village schools ( )
- (c) Faulty evaluation/examination system ( )
- (d) Any other \_\_\_\_\_

8. What problems are faced by the State Government in ensuring the availability of neighbourhood schools as specified in Section 6 of RTE Act 2009?
- (a) Shortage of students ( )
  - (b) Unavailability of land/building ( )
  - (c) Financial constraints ( )
  - (d) Non-availability of teachers ( )
  - (e) Any other\_\_\_\_\_
9. Does the State Government face any problem in ensuring that the children belonging to weaker sections and disadvantaged groups are not discriminated from pursuing and completing elementary education? Yes/No. If yes, specify the problems.
- (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
10. What are the problems in providing infrastructure including school building, teaching staff and learning equipment?
- (a) No enough funds in the State's budget for education ( )
  - (b) No proper utilization of funds by the schools ( )
  - (c) Unrationalization of teachers due to various reasons ( )
  - (d) Any other\_\_\_\_\_
11. What are the problems in providing special training facility where a child is directly admitted in a class appropriate to his/her age?
- (a) Absence of adequate number of teachers ( )
  - (b) No provision for honorarium of teachers providing the training facility ( )
  - (c) Teachers are unwilling to do extra work ( )
  - (d) Lack of funds for honorarium of teachers providing the special facility ( )
  - (d) Any other\_\_\_\_\_
12. What are the problems in ensuring and monitoring of admission, attendance and completion of elementary education by every child?
- (a) VEC's do not perform their functions properly ( )
  - (b) Supervisory officials do not perform their functions properly ( )
  - (c) Schools do not submit data/reports on these ( )
  - (d) Any other\_\_\_\_\_



13. What are the problems faced by the State Government in ensuring good quality elementary education conforming to the standards and norms for -

- (a) Number of teachers \_\_\_\_\_  
\_\_\_\_\_
- (b) Building \_\_\_\_\_  
\_\_\_\_\_
- (c) Minimum number of working days \_\_\_\_\_  
\_\_\_\_\_
- (e) Instructional hours in an academic year \_\_\_\_\_  
\_\_\_\_\_
- (f) Minimum number of working hours per week for the teacher \_\_\_\_\_  
\_\_\_\_\_
- (g) Teaching learning equipment \_\_\_\_\_  
\_\_\_\_\_
- (h) Play materials, games and sports equipments \_\_\_\_\_  
\_\_\_\_\_

14. Does the State Government face any problem in ensuring timely prescribing of curriculum and courses of study for elementary education as specified in Section 8? Yes/No. If yes, specify the problems.

- (a) Late receipt of National Curriculum Framework ( )
- (b) Too slow process in the preparation of NCF by NCERT ( )
- (c) Too slow process in revision and finalization of curriculum and courses of study in the State by MBSE/SCERT ( )
- (d) Inefficiency of the State's SCERT/MBSE ( )
- (e) Any other \_\_\_\_\_

15. Does the State Government face any problem in providing training facility for teachers as specified in Section 8 (1)? Yes/No. If yes, specify the problems

- (a) Lack of funds ( )
- (b) Unavailability of sufficient funds ( )
- (c) Too less number of teachers in some schools ( )
- (d) No provision for substitute teachers to replace teachers undergoing training ( )
- (e) Non-rationalization of teachers in the State ( )
- (f) Any other \_\_\_\_\_

16. With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years as per Section 11 of RTE Act 2009, what problems are faced by the State Government in making necessary arrangement for providing free pre-school education for such children?
- (a) Financial constraints ( )
  - (b) Lack of man-power ( )
  - (c) The fund available is too meagre ( )
  - (d) Existence of small and scattered habitations of some migrants in some places ( )
  - (e) Any other \_\_\_\_\_
17. What are the challenges faced by the State Government in the specification (appointment) of Academic Authority by notification?
- (a) Insufficiency of experts for appointment as members of Academic Authority ( )
  - (b) The Academic Authority does not meet the expectation of the Government ( )
  - (c) The Academic Authority while laying down the curriculum and the evaluation procedure, did not take into consideration the provisions under section 29 (2) ( )
  - (d) Any other \_\_\_\_\_
18. What problems are faced by the State Government in the implementation of Comprehensive and Continuous Evaluation for children as per section 29 (h) of RTE Act 2009?
- (a) Negligence of teachers to duty ( )
  - (b) Non-rationalization of teachers ( )
  - (c) Lack of proper facilities ( )
  - (d) Financial constraints ( )
  - (f) Complaint from teachers ( )
  - (g) Any other \_\_\_\_\_
19. What are the challenges faced by the State Government in the process of its implementation of provision of RTE Act 2009, Section 30 which states that "No child shall be required to pass any board examination till completion of elementary education?"
- (a) Misunderstanding of the concept by the teachers ( )
  - (b) Misunderstanding of the concept by the public ( )
  - (c) The belief that absence of Board Examination will result in lower standard of education ( )

- (d) The belief that absence of Board Examination will bring about lethargy among the teachers ( )
- (e) Any other \_\_\_\_\_

21. What are the challenges faced by the State Government in the constitution of State Advisory Council specified in section 34 of RTE, Act 2009?

- (a) Insufficiency of experts for appointment as members of State Advisory Council ( )
- (b) The State Advisory Council does not meet the expectation of the Government ( )
- (c) The State Advisory Council has not advised the State Government on implementation of the provisions of the Act in an effective manner ( )
- (d) Any other \_\_\_\_\_