

Right to Education in A Liberalized Economy issues and Challenges

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Abstract

The neglect of education and human resource development in India during post-colonial era has not only resulted in severe social problem of 'exclusion', but also has created hurdles for an upcoming economy like India to reap the benefits of liberalization and globalization, initiated since 1991, for its masses. Despite the strong pro-education rhetoric in the Indian national movement, the expansion of school education has been remarkably slow in India-much slower than in many East Asian countries. Although the liberalization agenda does not address this failure, it cannot turn a blind eye to this issue either. Any attempt to globalize ourselves requires that our levels of education and skill formation are brought to a level where we can be internationally competitive. A handful of highly qualified people cannot make a vast population internationally competitive in terms of skills and training. Unless we invest enough in human beings, productivity increases may not follow. The Right of Children to Free and Compulsory Education Act, 2009 is, therefore, to be better seen as complementary to our globalization agenda. But the provision of this right to the masses in a befitting manner is not going to be easy. We need to address deficiencies in the existing system of school education such as limitation of coverage, poor standards of education, unhealthy teacher-student ratio, lack of accountability of teachers, poor amenities in school, etc. But this exercise would require huge fund support, which is unlikely to be met by budgetary allocations. Private sector's participation is, therefore, necessary. This paper discusses various issues and challenges associated with the provisioning of this right in a market based decentralized system with growing participation of the private sector.

Keywords: RTE Act; School education; Private education

Introduction

The neglect of education and human resource development in India during post-colonial era has not only resulted in severe social problem of 'exclusion', but also has created hurdles for an upcoming economy like India to reap the benefits of the process of liberalization and globalization, initiated since 1991, for its masses. Despite the strong pro-education rhetoric in the Indian national movement, the expansion of school education has been remarkably slow in India-much slower than in many East Asian countries. Although the Directive Principles of Indian Constitution obligated the Indian government to ensure universal school education, successive

governments either failed to realize its importance or did not follow this too seriously. Although many attempts have been made during India's post-Independence period to fulfill the constitutional directive of universal elementary education through a number of education systems such as government and government-aided schools, local body schools, recognized and unrecognized private schools, non-formal education and open schools, a sizeable portion of the population could not be brought to the main-fold of education system. A large proportion of Indian women are illiterate even today. Also different parts of India have disparate records in this regard (Dreze and Sen, 2013) ^[1].

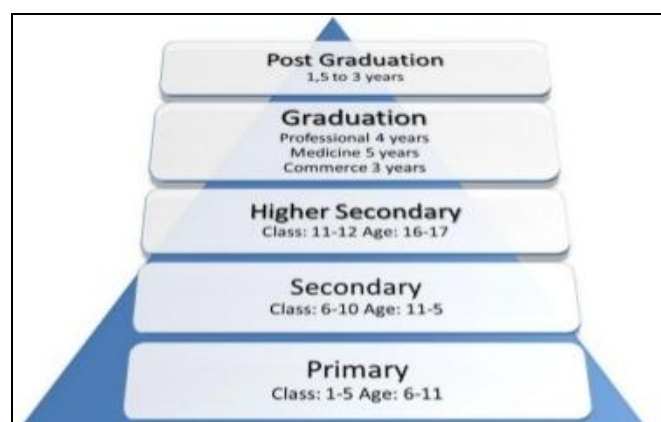


Fig 1: Indian Education system

Right to Education Act, 2009

The Right of Children to Free and Compulsory Education Act, 2009 (RTE) has made the implementation of compulsory education legally binding on all states/ union territories. This

Act has declared it a right of every child to receive school education during 6-14-year age. According to Right of Children to Free and Compulsory Education Act 2009 (RTE), elementary education shall be provided only through

recognized government and private schools. Private unrecognised schools, non-formal education and other alternative forms of education are no longer valid (Tilak, 2012) [4]. The Act defines school as a- recognised school imparting elementary education. The Act recognises only four types of schools: (1) a school established, owned or controlled by the appropriate Government or a local authority; (2) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority; (3) a school belonging to specified category; and (4) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority. Sarva Shiksha Abhiyan (SSA), launched in 2001-2002 much

Prior to RTE Act, is an effort to universalise elementary education by community ownership of the school system. The main objective of SSA is to provide useful and relevant elementary education and ensure retention for all children in the age group of 6-14 years by 2010. Rashtriya Madhyamik Shiksha Abhiyan (RMSA) is an extension of SSA that promises universal access to secondary level education to all children of 15-16 years by 2017 and universal retention by 2020. While SSA and RMSA offer an operational framework for universalizing education, its provisions were used as general guidelines by each state to interpret and implement the schemes. When the RTE was enacted in 2009 the various states faced numerous challenges in realigning the existing rules and guidelines under SSA with the requirements of the RTE act.

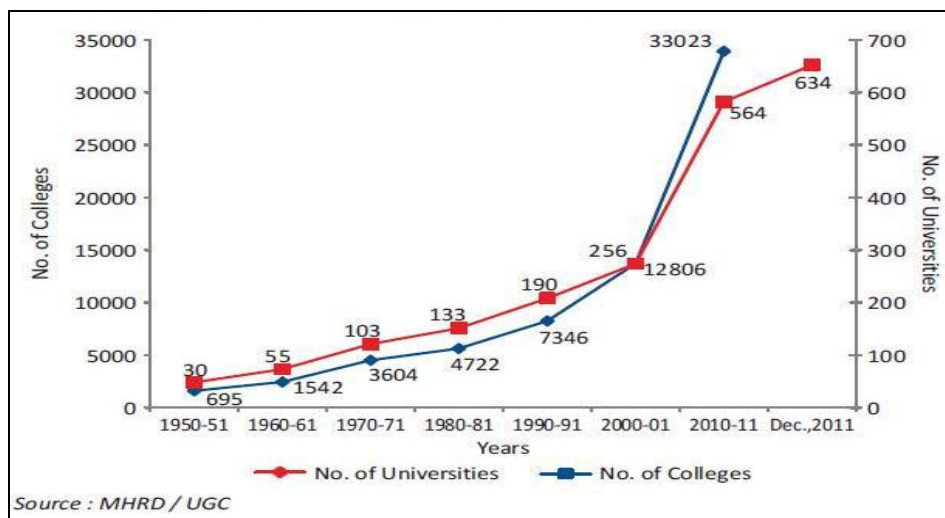


Fig 2: Growth of Higher Education institutions

Issues and Challenges

One major provision of RTE Act is that every unaided school imparting elementary education is to be registered with the appropriate authority (e.g. District Inspector’s Office) within a given timeframe. But without proper incentive scheme, it is highly impractical to assume that all unaided school will get themselves registered within a given timeframe, particularly when unaided schools are required to reserve 25% of the seats for children belonging to weaker sections of society and disadvantaged groups in the neighbourhood.

Although there has been a decline in the percentage of out-of-school children (Oo SC) across gender and social categories, Muslim, scheduled caste (SC) and scheduled tribe (ST) children still need special attention. The number of Oo SC who are physically or mentally challenged remains a cause for concern. The proportion of disabled out-of-school children in 2005 was 34.19 per cent and remained unchanged at 34.12 per cent in 2009. The twelfth five year plan document noted that the maximum number of OoSC are those with mental disabilities (48 per cent), followed by children with speech disabilities (37 per cent). We need to have a proper system of schooling and other institutional mechanism equipped to address the challenging needs of mentally disabled children who are most disadvantaged both socially and educationally. Despite a substantial increase in the availability of teachers at elementary level during the past few years, the pupil-teacher

ratios (PTR) in many schools fall short of the RTE norms. Even if all the teacher posts sanctioned under both Sarva Shiksha Abhiyan (SSA) and state budgets are filled, the pupil-teacher ratio (PTR) at the national level will not be more than 27:1. The number of schools that do not comply with the Right to Education (RTE) norms for the required PTR is fairly high. School-wise analysis based on District Information System for Education (DISE) 2009–10 indicates that 46 per cent of primary and 34 per cent of upper primary schools have poor PTRs. This imbalance in teacher deployment needs to be corrected as early as possible.

Another serious challenge is the presence of teachers without professional qualifications approved by the National Council of Teacher Education (NCTE), as is required under the RTE Act. The twelfth five year plan document mentions that there are about 8.1 lakh untrained teachers in the country with four States-Bihar, UP, Jharkhand and West Bengal-accounting for 72 per cent of them.

Improving school inputs is the starting point in improving educational quality. A systematic approach is required for building teacher capacity, strengthening academic support system, measuring and improving learning outcomes in a continuous manner. Focus would be on provision for child-friendly schools and systems in teaching and learning processes as well as in improved water, sanitation, hygiene and midday meal practices. Every primary school must have provisions for a library, games equipment, and playing

material for children. Considerable investment is required for this purpose.

Under SSA, massive infrastructure development has occurred at the school level. Apart from opening over 3 lakh new schools, SSA has also provided basic facilities in existing schools. The average student–classroom ratio (SCR) which was 39 in 2005–

06 has come down to 32 in 2009–10. Yet, there are a large number of schools which do not have these minimum facilities. Only 4.8 per cent government schools have all nine facilities stipulated in the RTE Act, approximately one-third of the total schools have up to seven facilities, and about 30 per cent schools do not have even five of these facilities. The RTE stipulations call for provision of these facilities in all schools in a time-bound manner.

Neo-liberalism has become dominant in the aftermath of the decline of the welfare state. It presupposes that the market is the best institution to allocate resource and the role of the state can be circumscribed. Competitiveness is believed to ensure efficiency and quality and overall benefit of the society can be attained if individuals pursue self-interest.

Primary (and elementary education) is considered to be a merit good where individual choice in the sphere of the market is subjugated in playing its part, and society or the state on behalf of the society decides the quantum of its provision (Musgrave and Musgrave, 1989) ^[3]. For merit good it is more a matter of paternalistic choice implying that the government knows better than the individuals what is good for them. A merit good is also defined as a good with positive externalities. Musgrave argues for public intervention to provide merit goods. Public provision of primary education has been supported not because education is a merit good but it is one great way to ensure equality of opportunity (Chattopadhyay, 2012) ^[2].

Education system in many countries are getting transformed from one of a state controlled regime to market based decentralized system with growing participation of the private sector. The role of the state is being redefined. Government intervention traditionally has been of three forms: how it is funded, how it is provided and how it is regulated.

A debate has started about low cost private schools, which appear to be a very good option for tackling two problems namely fiscal constraint and poor governance. Low cost schools appear to be attractive because it would put little burden on the exchequer, as the salaries of teachers will be much less than normal salary of teachers. Since teachers will be on contract basis, they will be on their toes to perform and deliver in class room as they face the possibility of being fired and their contracts annulled in case they fail to deliver (Chattopadhyay, 2012) ^[2]. So it is argued that the government and students gain on both counts, resource saving as well as quality improvement.

But the question remains: Will the lowly paid teachers be equally trained and adequately qualified to deliver quality education? Imparting good quality education depends not only on the implicit threat given to the teachers but their sense of commitment, compassion and care. Teaching-learning is a process which is very different from a typical assembly line in a firm. Hence, resource saving through low cost private schooling may not necessarily lead to quality improvement.

Some critics have even argued that the policy of encouraging low cost private schools is equivalent to phasing out

government schools and ushering in low quality privatization of the school education.

Public-private partnership is another alternative. PPPs involve the private sector providers in designing, building, operating and managing state education facilities on a lease-back basis. Capital costs and some risks are transferred to the private sector while the government or local authorities are committed to long term lease repayments. Although there are many models of PPP in education, but none of them guarantee that quality education, same as that in the public sector will be provided by them with lesser resource. Since these institutions are managed by private bodies, unlike public educational institutions, the former have the tendency to generate some surplus, which is as good as profit.

The target under RTE cannot be achieved without private participation in elementary education. In fact, private providers (including NGOs and nonprofits) can play an important role in elementary education. Their legitimate role in the expansion of elementary education needs to be acknowledged and a flexible approach needs to be adopted to encourage them to invest in the sector. The current licensing and regulatory restrictions in the sector could be eased and a single window approach should be adopted so that the process of opening new schools by private providers is streamlined. It is also important that the regulations be simplified, flexible and context-dependent. Special care needs to be taken so that schools that are serving disadvantaged populations effectively do not get shut down. A few States have already adopted a pragmatic approach in this regard in framing State rules. In all, private players, who are really committed, should be encouraged to set up more schools and held accountable for, providing high-quality education. They should also be transparent in their operations.

There are problems associated with education governance, as manifested in teacher absence, delayed fund flows to schools and administrative capabilities at the school level. Specific and targeted measures of student learning along with measures to hold teachers, schools and school systems accountable for these learning outcomes will go a long way in improving education governance. The twelfth five year plan has put special emphasis on improving educational leadership and management at the district, block and school levels.

The RTE Act has provided for pre-primary education for underprivileged children enrolled in private schools in 25 per cent earmarked seats. States should also be free to obtain services from reputed private-aided and unaided institutions/NGOs and to compensate them on a cost recovery basis for these services. As a result, many reputed schools have already increased their fees for their regular students to recover cost. Parents have also protested in some schools against inclusion of underprivileged children in the same school where their wards are studying.

In order to achieve targeted outcomes for elementary education, there is a need to bring in resources and knowledge from related sectors. Several States, particularly those that have acute school infrastructure gaps, are facing limitation of funds to implement the RTE Act. A convergence with schemes like Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) would be a pragmatic approach to meet the goals with limited resources. For this appropriate revision in the MGNREGA guidelines would be required to bring about such convergence. As the projects

would be implemented in a decentralised manner, local bodies could take up these works on a priority basis and ensure full access to elementary education in a convergent manner.

School buildings being important social assets, additional financial support could come from Member of Parliament Local Area Development Scheme (MPLADS) and Member of the Legislative Assembly (MLA) funds as well. A few States are already utilising funds under Integrated Action Plan (IAP) and Backward Regions Grant Fund (BRGF) for strengthening school infrastructure. Besides, there is a need to tap funds from philanthropy for accelerated infrastructure building.

Educationally disadvantaged states that are with low levels of literacy, grossly inadequate school infrastructure and difficult terrain face a heavy financial burden to meet the RTE mandate and norms. A big push is required to enable these States to come at par with other States. This is crucial to achieve national and international goals under the Millennium Development Goals (MDG). States and institutions which are performing well should be incentivised through provision of additional and untied funds. Educational spending should be made more equitable and efficient. Pragmatic tax concessions should be devised to encourage private investment in education.

School Management Committees should perform more effectively. The Managing Committees should spend sufficient time on academic issues. Parent-teacher meeting should be conducted regularly. Teachers should be made more accountable so that teaching quality in the school improves.

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