

CHAPTER SEVEN

CONCLUSION AND RECOMMENDATION

This is the final chapter of the thesis, providing concluding observational remarks and recommendations related to the administrative structure, processes, and various actors and agencies involved in implementing the RTE Act 2009 in Gujarat. The chapter also discusses important topics for further research in this area, which should be covered in the present study.

7.1 CONCLUDING OBSERVATIONS

Education, according to the Supreme Court, is "a process involving numerous actors," with the teacher at the top of the list as "the one who provides education" (Kumar, 2012). The list

continues with institutional owners, parents, children, society, and the state. As the 'provider' of education, teachers are the conduit through which the RTE Act 2009's goals and objectives can be realised. As mentioned in Chapter 3, the "right to education" concept encompasses access to tangible physical aspects of education and factors of educational quality. As a result, the right to education embodies the concept of rights in education. Teachers have a critical role in attaining education rights goals, including the right to quality education (Fredriksson, 2004; Leu, 2005). According to the survey, about 87% of teachers reported being overburdened with administrative duties, leaving less time for providing quality education to children and engaging in interaction outside of the classroom.

Furthermore, this research also found that most stakeholders implementing the RTE Act 2009 need more sensitivity to RTE's importance for uplifting children and society. This attitude is affecting delivery efficiency. This attitude prevailed among teachers, principals, local authorities, SMC members, and parents. It was observed that when it came to implementing the RTE Act 2009 in the state, there needed to be more focus on achieving learning outcomes.

The idea of a right to education includes having access to high-quality education, as was already covered in the earlier chapters. However, the actual fulfilment of a child's right to education comes from providing physical facilities, and additional materials, along with good quality education in the schools. In this respect, the RTE Act of 2009 falls short in its attempts to address quality education, a significant concern in the Indian educational system. It is also mirrored in the Act's implementation, which strongly focuses on the right to education's tangible and material components.

Section 12(1)(c) of the Right to Education Act of 2009 stipulates a 25% reservation in private, unaided schools for pupils from economically disadvantaged sections and groups. While this provision seeks to promote inclusive elementary education for all to achieve the democratic goals of equality, social justice, and creating a just and humane society, a different picture emerges at the grassroots level. According to the interviews with the school principals of the chosen schools, it was discovered that many of the students being admitted under this provision come from a different background than the backgrounds for which it is intended. Many times, parents who worked in the private or agriculture sector and belonged to a higher-income group could obtain a certificate for the low-income category through illegal means. During the focus group discussion with the parents of students who had received admission under provision 12(c), it appeared that many families had older children studying in private higher educational

establishments without scholarships. Additionally, it was discovered that the parents were using expensive electronics that a family with limited resources could not afford. In order to have their child admitted to a private, unaided school, many families thus abused the income criteria.

The additional expenditures that families have to incur to qualify for admission under the 25% reservation clause are another critical issue identified during this study. Many parents pointed out during the focus group discussion that to avail of admission under the income category requires an income certificate, which must be obtained from the Mamlatdar or Talati office and costs around 300 rupees. This amount was enormous for those who were daily wage earners. In addition, parents claimed that having a mobile phone was vital for them, and many who did not already have one had to get one because the school calls parents to confirm their child's admission by cell phone. Parents also mentioned that the 25% reservation clause does not cover transport fees. Therefore, the cost of setting up transport from home to school would fall on the family, which was an additional cost.

The present study also found that being unfamiliar with computers, most parents contend that they need help filling out the online application form. Moreover, they must pay the cyber cafe a fee of between Rs. 100 and Rs. 250. It is primarily an issue for most parents in rural areas who earn daily wages, and this charge represents their daily take-home pay. All these were additional costs for the family.

In the focus group discussion, it was further discovered that most parents learned about the 25% reservation clause from their friends or neighbours. Not a single parent mentioned availing information from the government. Thus, the government or the neighbourhood school authorities have yet to make adequate effort to raise awareness of the 25% reservation. The government must take some steps to raise awareness about this 25% reservation class because it is likely that many parents are choosing not to enrol their children in school due to a lack of knowledge. Parents also complained that they could only choose a small number of schools via the online process. Another major issue that was reported in the process was the identification of the geographical location of the school. Apart from the awareness about the 25% reservation clause, the study also found a low level of awareness about RTE Act 2009-related provisions and supplementary government schemes among the community members.

Furthermore, the interview with the private school principals found that the government must provide the school authorities with timely information. They must comprehend every detail of the new regulations and norms in a two-page circular. No meetings are held to share information or create awareness about vital issues. Meetings are held solely to ensure compliance. The private school principals have raised concerns about having to justify not admitting children to the government since they are held accountable if there are any issues with the admissions procedure. Authorities at the schools are also concerned about parents causing issues when they are asked to make additional payments.

The research has found that multiple actors and agencies are involved in the implementation process of the Act. However, there is no provision whereby all these multiple players would meet and discuss various aspects of the Act. Therefore, the overall coordination among these stakeholders in the absence of this interaction can be affected. Furthermore, on the administrative front, it was observed that the DEO/DPEO has several bosses, violating the principle of unity of command, which states that an employee should only report to one superior. In the case of DEO/DPEO, however, orders and directives are issued by several offices, including the state education department, the directorate of primary education, and the Samagra Shiksha Abhiyan. Furthermore, the DEO has to comply with directions from elected local authority members.

While conducting this study, the researcher also found that recent district-wise data on enrollment, dropout, retention, and other indicators related to the RTE Act 2009 are not readily available in the public domain.

7.2 RECOMMENDATIONS

A crucial step in ensuring children's fundamental human rights was taken in 2009 with the passage of the Right of Children to Free and Compulsory Education Act 2009. Several studies have indicated that children are more likely to have social issues when there are not enough possibilities available, particularly in a country like India which has a very high prevalence of

child labour. Thus, early academic involvement makes a person's personality more positive and balanced. Therefore, it is imperative to implement the Act effectively. In this light, the present study makes some suggestions for enhancing the effective implementation of the Act in the state.

A lack of quality education is linked to the overburden of teachers since they are the primary providers of education. Therefore, specific reforms are necessary concerning the role of teachers to achieve the true spirit of the Right to Education Act 2009. In this light, the researcher proposes that teachers' administrative burdens should be curtailed. According to the current system, teachers are allotted various duties during elections, censuses, and other functions. It deters them from performing their primary job as teachers. Based on the interviews conducted with teachers, it was found that, in order to complete the election work, many teachers skipped classes. Since education is a fundamental right for children, it cannot be curtailed due to other duties. However, this perspective towards education needed to be included among the teachers. Based on the interview with teachers, it was found that most teachers needed to be made aware of several provisions of the Act. There also needed to be more sensitivity to RTE's importance for uplifting children and society. In this light, the present study suggests that proper training and workshops must be conducted regularly to create awareness among teachers about the RTE Act 2009.

Since many families misuse the income criteria to avail admission to private unaided schools, this research suggests that the concerned authority should properly scrutinise the family income and assets. Also, while conducting the scrutiny process, a background check on other siblings of the child should be done. As discussed earlier, in many cases, it was found that other siblings of the children taking admission under the 25% reservation clause were studying at private higher education institutions, and the family could afford their fees. Hence, this manipulation and misuse of the clause through income criteria can be checked by considering this factor.

Further, as discussed in the above section, clause 12(C) of the Act, related to the 25% reservation for children belonging to socially and economically disadvantaged sections of society in private unaided schools, does not provide free education to the children. Therefore, some additional costs have to be incurred by the parents. In this light, based on the focus group discussion with parents, the present research suggested that the entire admissions process, from filling out the application form to choosing the school, should be completed at the Anganwadi centre. The RTE Act 2009 provides free transportation to children studying in state-run schools,

but it does not cover the same class for children studying in private schools; this is discrimination. Under the Act, parents provided Rs. 3000 to cover additional costs, which was not needed to be increased.

Since the school authorities were facing issues regarding parents causing trouble when asked to make additional fees related to extra-curricular activities, it is recommended that the parents should be informed of all the additional costs they will incur at the school transparently prior to admission. Also, their compliance to do so should be documented in writing so that no problems are created later for the school authorities.

Based on the input from the school authorities, this study recommends that the government perform the task of document verification, which the school is currently doing. If the school is responsible for performing document verification, it must be granted complete autonomy. The government should make the admissions decision. Based on the principals' interview, some significant points concerning the 25% reservation clause were also brought up.

Numerous teachers bemoaned that the children admitted under the 25% reservation clause had a significant problem with regular attendance at school. They stated that when three notices are received, there should be a possibility for withdrawal of admission.

The principals also complain that many pupils who enrol under this provision do not require the reservation but are admitted since they meet one of the 12 criteria. The 25% reservation clause is intended for socio-economically weaker and disadvantaged students. Thus, the government needs to ensure that only these children take advantage.

Furthermore, since many families might be forced to move due to socioeconomic or other reasons, there should be a provision allowing the transfer of children from one school to another under the 25% reservation clause. As a result of moving to different districts in pursuit of employment and needing more support systems to leave the child behind, the present study found that many families from the lower socioeconomic strata could not obtain admission under this provision. Therefore, the government should either permit the transfer of these children to other schools or provide dormitory space for them.

The study found that despite all the efforts made by the state government to ensure the effective implementation of the RTE Act 2009, there remains much ground to cover for establishing and functioning a high-quality elementary education system. With the input of various stakeholders

involved in the implementation process, the present study discovered a few areas that need urgent attention. Firstly, the government must ensure that free and compulsory equitable quality education is available to all, irrespective of gender, class, caste, and social status. For this purpose, the active involvement of the state education department, SSAM, the Directorate of Primary Education, the local authority, teachers, principals, SMC members, and all other agencies and actors is necessary. In addition, the government needs to enhance community involvement in implementing the Act. Community participation through SMC and civil society can strengthen the good governance norms of transparency and accountability.

As discussed in the above section, the study found a low level of awareness about RTE Act 2009-related provisions and supplementary government schemes among the community members. Thus, the government must make substantial efforts to increase awareness of the RTE Act 2009-related provisions, particularly the provision of clause 25% reservation for children belonging to the socially and economically weaker section of society in private unaided schools and other government schemes and programmes.

The Annual Status of Education Report (Rural) shows an increase in the number of pupils enrolled in government schools, from 85.6% in 2018 to 90.9% in 2022. This trend is supplemented by a decline in the number of pupils studying in private schools from 12.4% in 2018 to 8% in 2022. The same report projected the learning levels of children enrolled in government schools for 2022 and stated that only 21.2% of children enrolled in standard III could read the text of standard II. Similarly, only 33.9% of standard V children could read II standard-level text (ASER, 2023). The report contained similar projections for other parameters too. This dismal state of quality education in the state is a matter of grave concern and the biggest challenge to achieving the goals of the RTE Act 2009. In order to improve the quality of education in schools, the government must establish effective performance-monitoring systems for school teachers and principals, particularly in government schools. Unfortunately, there is no mechanism or process to fix the teachers' accountability. While conducting field visits during the Shaala Pravesh Utsav in the state, the researcher observed that while the senior government officers discovered the low learning levels of the children, no action was initiated against the concerned teachers. Only some oral instruction was given to the teachers to focus on teaching. During the interview, when the senior officers were requested to comment on it, the researcher was told that there is no policy from the state government to take any action on this matter, and the main focus of the Shala Pravesh Utsav programme was on increasing the

enrollment of children in the school. However, the researcher proposes that such programmes, which involve the participation of senior officers, can be used to strengthen the evaluation and monitoring of quality education in government schools. In order to realize the goal of quality education under the RTE Act 2009, the government can initiate a policy that establishes the accountability of the school staff towards providing quality education to children.

The study further recommends strengthening the accountability of other stakeholders, like local authorities and SMC members, to ensure proper coordination between planning and implementation of the provisions of the Act. Since enrollment and dropout among children are another concern, the present study proposes that the government should take adequate measures to curb child labour in the state. Parents must be aware of education's social and economic benefits, and steps should be taken to increase parents' interest in school functioning.

Further, it was also observed that there is no specified method for choosing the SMC member. Only the appointment criteria are mentioned in the Act. As a result, most schools appointed SMC members at the behest of the principal or the sarpanch. Furthermore, the members should be given some authority to increase their participation. However, they can only offer advice and recommendations and not take concrete action.

The study further recommends that the government redefine the roles of BRCs and CRCs. If utilised correctly, they can play a crucial role in raising the quality of education offered in the classroom. Based on the interviews conducted with select BRCs and CRCs in select districts, it was found that they are primarily engaged in executing administrative duties, providing data, coordinating various activities and events, and sparingly contributing to the delivery of quality education. Change is needed in this situation. The BRCs and CRCs can be engaged in offering on-site academic support to the schools and instructors under their control. They can serve as crucial components for constantly monitoring and evaluating the quality of education at the school level and for delivering prompt corrective measures. With this vantage point, the government can create an exhaustive framework for the functions and responsibilities of BRCs and CRCs and connect them with other district and state-level offices. This revised framework can help identify the challenges on a day-to-day basis, develop suggestive measures to solve them, and report them to a higher level. It can also strengthen the overall monitoring and evaluation process from the cluster to the state levels. Additionally, with the aid of BRCs and CRCs, the government can create academic resource centres for training and on-site assistance to schools and teachers at the block and cluster level to improve the quality of education.

Furthermore, the Act cannot be adequately implemented if there is a lack of resources. Therefore, every year there should be an increase in the budgetary allocation for implementing the RTE Act efficiently. Moreover, there should be more scholarship options available to students from socio-economically disadvantaged sections of society to encourage them to continue their studies after completing elementary education.

In addition, having the right monitoring mechanism is essential for assessing how well the Act is being implemented. The RTE includes several guidelines to regulate schools through administrative mechanisms involving government officials, local authorities and community members. However, it needs to be more effectively monitored at the grassroots level. The schools need help to play a performance-focused role. All the stakeholders, like the local authority, teachers, principals, BRCs, CRCs, DPEO, parents, SMC members and other neighbourhood community members, must actively participate in the monitoring process to effectively implement the Act's provisions in the school, according to the RTE Act. At the primary school level, these processes typically involve four parties: teachers, pupils, residents, and administration.

Additionally, there needs to be adequate auditing provisions in the Act. A robust auditing mechanism is needed to monitor the implementation of the Act regularly.

Furthermore, it is challenging to execute the RTE Act of 2009 and create new policies to effect the essential changes since there needs to be more comprehensive and current data regarding the number of schools, children, enrollment, dropout rates, and retention. Therefore, this study suggests that the government take immediate measures to collect data, which is critical for administration.

7.3 FUTURE AREAS OF RESEARCH

One of the areas of future research could be the micro-level empirical analysis of the implementation of the RTE Act 2009 at the district and block levels in Gujarat. The present study found variations concerning the practices and outcomes related to the RTE Act in various parts of the state, but the reasons behind this could not be studied. Variation was found in

enrollment levels across different districts and regions of Gujarat. There was also variation concerning different caste groups, and based on gender, across different regions and districts of Gujarat. It can be taken up for further research.

Further, the researcher recommends that the present study has not included the micro-level analysis of the effectiveness of various schemes and programmes. The government has introduced various schemes and programmes to enhance enrollment and decrease the dropout rate in the state. Some of the schemes focus on particular communities and groups. One such provision is section 12 (C) of the RTE Act 2009, which is also one of the contentious issues, and evaluating its implementation at the grassroots level can be explored further. The implementation of various schemes and programmes like the Kasturba Gandhi Balika Vidyalaya (KGBV), and Gunotsav, Pravesh Utsav, which aim at achieving the right to education goals, can be studied further, particularly micro-level analysis at the district level or block level. A similar study can also be done in the context of variables like community and gender, studying the impact of the RTE Act 2009 on girls' education in the state, with a particular focus on the scheduled caste girls or tribal girls. Currently, the rights of the transgender community or the third gender have also become a significant area of research. In this light, a study focussing on such children within the right to education framework can be taken up. While the Act has stipulated that there shall not be any discrimination concerning access to education on the grounds of gender, the reality at the grassroots level remains to be examined.

Another significant area of research can be a comparative analysis of the implementation of the RTE Act 2009 across different states. While the present study has done a conceptual analysis of the model rules of RTE Act 2009 implementation in select states, an empirical analysis exploring the overall administrative structure and framework, the role of several actors, and the best practices adopted by various states to implement the Act can be taken up for further study. Since education is a human right, recognised by the United Nations and a Sustainable Development Goal of this century, several developing and under-developed nations strive to achieve this goal. Many developed countries have already included constitutional provisions or compulsory education policies guaranteeing children's human right to education. Thus, comparative studies can be conducted between India and other countries in normative and empirical frameworks examining the provisions of the legislation and policies

related to human rights to education or empirical studies examining its implementation across countries.

Furthermore, as discussed in the earlier chapters, there exists a strong correlation between education and other variables like health, fertility, and crime rate. Therefore, a macro-level study focussing on the effect of the RTE Act on the health level of the children in the state can be conducted. A similar micro-level study examining the correlation between the two variables can be conducted at the district or block level or in the context of other variables like gender and community. The researcher further recommends conducting similar micro or macro-level studies examining the effect of the RTE Act on other variables like fertility and crime rate in the state.

As discussed earlier, multiple actors and agencies are involved in implementing the RTE Act in the state. Therefore, future studies can focus on the role and functioning of particular actors like DEO or DPEO, the School Management Committee, and local authorities who play a vital role in implementing the Act.