Implementation of RTE Act

Why in news?

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A recent study analysed cases in the High Courts and the Supreme Court from 2010 to 2015, which directly affected rights of a child under the RTE Act.

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What is the issue?

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- The RTE Act has been considered to be a landmark legislation that seeks to realise the fundamental right to education for all children in the age group of 6-14 years.
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- But even after eight years the implementation of RTE Act has suffered due to official apathy.
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- Therefore judiciary has stepped into a governance vacuum.
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What are the indicators of poor implementation?

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- Many schools in the country continue to lack adequate drinking water facilities, playgrounds or the necessary infrastructure prescribed by the Act.
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- Cases of corporal punishment that are banned under the RTE Act are still being reported.
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- Learning outcomes have been found to be very low.
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- Other issue include lack of clarity on if all unaided private schools and some specified government schools are prohibited from conducting admission tests/interviews or not.

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- Also many private schools continue to charge donations from children.
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- Bureaucratic apathy and weak institutional mechanisms are some factors that have contributed to this.
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What are the findings of the study?

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- The study suggests that some provisions of the Act are more litigated than the others.
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- **Access to education -** 49% of the cases on the RTE Act have dealt with questions of access to education.
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- This may be because issues such as denial of admission, fixing age-limits for admission to a particular class, transfer of students from one school to another, and conducting screening tests at the time of admission, are urgent in nature.
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- **Section 12 -** 24% of the cases exclusively refer to Section 12(1)(c) of the Act,
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- This mandates all non-minority, unaided private schools to reserve 25% seats for children belonging to economically weaker sections and disadvantaged groups.
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- The cases in the section are due to issues like denial of admission by private schools, delayed reimbursement by State governments to private schools, ambiguity over definitions of ‘economically weaker sections’ and ‘disadvantaged groups’.
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- Other issues included the applicability of the RTE Act to minority schools, applicability of the no-detention policy to private schools, and the definition of ‘neighbourhood’ for admission into ‘neighbourhood schools’.
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- 11% are related to provisions mandating basic facilities and adequate infrastructure in schools.
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- Only 5% of the cases are related to the facilities for disabled students prescribed under the Act.

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What are the limitations of the judiciary?

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- Fewer litigations over infrastructural norms and availability of qualified teachers as required under the RTE Act does not necessarily imply that these norms are better implemented than the others.
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- They may also not be a high priority for litigants who are generally individual parents.
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- Provisions on banning corporal punishment and prescription of pupil-teacher ratio in classrooms have not been contested at all, in spite of anecdotal evidence and news reports.
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- Courts are usually demand-driven and give priority to issues that are brought forward by litigants. Hence many provisions of the RTE Act remain under-enforced.
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- Many of the disputes are related to district/State-wise implementation of the Act.
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- Therefore courts could not focus on long-term reliefs involving systemic reform.
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- Only in few cases, the courts have formulated monitoring mechanisms to ensure timely implementation of their orders.
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What should be done?

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- **Grievance redressal -** Awareness of the act should be built and grievance redressal mechanisms under the RTE Act should be strengthened.
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- This can save litigation costs and diminish barriers of rights to education.
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- Strategic litigation across High Courts should also be explored, for pushing implementation of the RTE Act by state governments.

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- **Civil Societies -** More efforts by civil society organisations will be useful in getting targeted judicial orders for the effective implementation of the Act.
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- **Executive -** They should strengthen education delivery mechanisms and summon necessary political will to implement Act.
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- Meanwhile, the judiciary should continue to play a significant role in enforcing the RTE Act to hold governments accountable and ensure the Act's enforcement.
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Source: The Hindu

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