

## CHAPTER 1

### THEMATIC FRAMEWORK

Major approaches that have dominated the discourse on education are instrumental, welfare and the rights approach. In the instrumental approach, education is considered to be an important and necessary contribution for economic development. The welfare approach views education as contributing to social development. This includes being a part of human welfare and having a development goal. The rights approach, which is based on rights, considers education as a part of human right. The rights approach, to some extent, is a part of human welfare and becomes an enabling force as it is considered a right of an individual. The decades from 1960 to 1980 witnessed an emphasis on the first approach which was quantitatively expressed as number of people and qualitatively expressed as the education level of the population. It was after World War II when the second approach emerged. However, it was in the context of international aid and development when it gained recognition in the 1970s as the ‘basic needs approach’. By the 1990s, the second approach – in which education contributes to social development, was considered as an important theme in terms of development and poverty alleviation. “The rights approach emerged strongly wherein it is considered as a human right. While the human capital approach is grounded in economics, the rights-based approach uses legislation to understand education” (Robeyns, 2006; Menashy, 2012). The rights-based approach to education addresses children as rights-holders and views education as having its own intrinsic value. The economic outcomes of education are irrelevant to the rights-based approach, which instead focuses on developing education systems that are inclusive and protect the human rights of all students. The rights-based approach emphasizes the responsibility of the government to provide education to all citizens (Klees & Thapliyal, 2007; Craissati, Banerjee, King,

Lansdown & Smith, 2007). These approaches to education provide very different understandings about the purpose of education and who should be involved in the provision of schooling. “In a rights-based approach a high degree of participation is required from rights holders, namely children, parents, teachers, local communities, and civil society organizations (CSO)” (Moriarty, 2018; Tomasevski, 2006). The principle of participation is mentioned in several human rights declarations and is also highlighted in Article 12(1) of the ‘United Nations Convention on the Rights of the Child’ (UNCRC, 1990) which states that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child.” In other words, mere formal or symbolic consultations with rights holders are not sufficient, rather participation must be free, active and meaningful. States, as duty bearers, have a responsibility to create the appropriate conditions for optimal participation of children in school. For a rights-based approach to be successful, children, parents, local communities, and CSOs must be engaged in monitoring educational inputs and outcomes for children (Moriarty, 2018; Tomasevski, 2003, 2006; UNICEF and UNESCO, 2007). In a step toward achieving educational rights cherished in international declarations and guaranteed by the Constitution of India, the Government of India (GoI) enacted the ‘Right of Children to a Free and Compulsory Education Act’, popularly known as the ‘Right to Education Act (RTE) 2009’ which guarantees free and compulsory elementary education.

The Right to Education Act arrived at its current structure after the collective endeavors of numerous groups and offices in the post-independence period.

## **1.1 Right to Education in India: Predecessor and Enactment**

A kind of predecessor of the Right to Education can be found in the laws for compulsory education in passed in pre-independent times. The first law on compulsory education was introduced by the Maharaja of Baroda in Amreli Taluka, in 1893. The State of Travancore also introduced law on compulsory education in its state. ‘Maharaja of Baroda’ extended compulsory education to rest of the State in 1906. This law provided education for boys and girls in the age group of 7-12 years and 7-10 years respectively. In 1906, Gopal Krishna Gokhale unsuccessfully moved a Bill for mandatory education in the Imperial Legislative Council. In 1917, Vithalbhai Patel was successful in getting the Bill passed – ‘First Law on Compulsory Education’ passed (Popularly known as ‘Patel Act’). In 1918, every province in British India gets Compulsory education Act on its Statute Book. In 1930, the expansion and improvement of primary education was hampered by the Hartog Committee Recommendation for better quality (less focus on quantity). The idea of Free and Compulsory Education (FCE) was reiterated in 1937 where Gandhiji mooted the idea of self-supporting basic education for the period of seven years. And one of the landmark development was the Sargent’s Plan which proposed free and compulsory education to all children for a period of 7 Years. Thus, efforts to make education free and compulsory with the help of law have been taken. Yet, before independence, in spite of all these efforts universalization of elementary education in the country was poor.

It has been pointed out that the RTE Act is not new as its essence in terms of equality of opportunity for education was present in various national documents as. “The State shall endeavor to provide, within a period of ten years from the

commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.” (Article 45, Constitution of India 1949)

Thereafter, National Policies on Education were framed and it is significant to note that mention of right to education per se is not observed. The first National Policy on Education (NPE), 1968 called for a "radical restructuring" and equalise educational opportunities in order to achieve national integration and greater cultural and economic development. Almost two decades later in the second NPE, 1986 a special emphasis on the removal of disparities and to equalise educational opportunity was given. In this policy also, Right to Education per se was not mentioned explicitly. At the same time emphasis was given to universalization of elementary education. In the year 1990, the Acharya Rammurthy Committee reviewed NPE, 1986 and made a strong recommendation that right to education should be included as a fundamental right in Part III of the Constitution. However, this recommendation was not implemented immediately. On the basis of the committee's recommendation, NPE, 1992(revised) was formulated. Till this point, right to education per se was not mentioned.

Nonetheless, there were efforts which facilitated the process getting free and compulsory education to all children and can be seen as efforts in the implementation of equalization of educational opportunity as given in the Constitution of India.

### ***1.1.1 Interpretations of Constitution and inclusion of Right to Education as a Fundamental Right***

Though at the policy level, Right to Education per se did not find a clear mention; various legal cases indicate the interpretation of provision of right to education in Constitution. In 1992, in the case of Mohini Jain versus State of Karnataka, the Supreme Court of India held that “right to education is concomitant to fundamental rights

enshrined under Part III of the constitution. Every citizen has a right to education under the constitution.” [(1992) 3 SCC pg. 666]. Subsequently, in the case of Unnikrishnana, J.P. versus State of Andhra Pradesh, the Supreme Court held that “though right to education is not state expressly as a fundamental right, it is implicit in and flow from the right to life ensured under the Constitution.” [(1996) 6 SCC 756]

Article 21 and must be understood in the light of the Directive Principles of the Constitution. Along these lines, 'right to education, understood with regards to Article 45 and 41 means (a) every child/resident of this nation has a privilege to free instruction until he finishes the age of fourteen years and (b) after a child/resident finishes 14 years, his entitlement to education is delineated by the restrictions of the financial limit of the state and its development. These landmark judgments of Supreme Court provided a strong foundation for Right to Education Act. Subsequent to this, with the 86<sup>th</sup> amendment the Constitution introduced Article 21-A making the right to education a fundamental right. It was a first for an independent India, a fundamental right had been added to the Constitution. This made it necessary for an empowering legislation to make viable, the right guaranteed by the Constitution. The Right of Children to Free and Compulsory Education Act, 2009 was enforced in April 2010.

### ***1.1.2 Features of RTE Act, 2009***

The major features of RTE Act, 2009 are presented as-

Every child who is in the age group of 6-14 has the right to free and compulsory education in a neighborhood school, till the completion of elementary education and entitled to complete elementary education even after 14 years of age. The age criterion for RTE students for Class 1 is five years 10 months to six years 10 months and for other students it is five years five months to seven years.

Private school will have to take 25% of their class strength from the weaker section and the disadvantaged groups of the society through a random selection process. No seats can be left vacant. These children will be treated equally as all the other children in the school and financed by the State at the rate of average per learner costs in the government/administered schools (except if the per student costs in the private based school are lower). Special training provision for a child of above six years not been admitted to any school or, unable to continue studies, to bring him par with his class and to be admitted in an age appropriate class. In such cases, the child can continue beyond 14 years to complete his/her elementary education. Each child is also entitled to free text books, writing material and uniform.

No child can be held back, expelled and required to pass the board examination till the completion of elementary education. Article 16 of the RTE Act, 2009 declares that no child can be detained or held in a class before the end of his elementary studies until the 8th year of the class. The provision was introduced to keep in school children who drop out due to fear or failure in exams and promote a happy and fearless environment in schools respecting the pace of children's learning by practicing continuous and comprehensive assessment. But with the passage of the RTE Amendment Bill, 2019 states are empowered to hold back students if they perform poorly in Class V and Class VIII.

No tuition, capitation fees, charges or expenses must be paid by a child to obtain primary education. The child or his parents must not undergo any screening procedure to be admitted to school. No admission test or interview either for child or parents.

The Act specifies condition and direction for schools. All schools will have to prescribe to norms and standards laid out in the Act and school that does not fulfill these standards within 3 years will not be allowed to function. Every single private school

should apply for acknowledgement, failing which they will be punished to the fine of Rupees one lakh or pay Rupees 10,000 per day as fine. The school has to ensure all round development of the child and practice inclusion without denying admission to any child on any grounds. A fixed student and teacher ratio is to be maintained.

Standards and guidelines of teacher qualification and training are also being set by the Act. Educators in all schools should follow into these standards within five years. Teachers in the schools need to ensure their regular attendance, completion of curriculum with the precise time, assessing the capability of the child and prescribe special attention if need be, conduct the parent-teacher meeting to appraise overall development of the child. There should be one teacher for every 30 students for the class I to V and one teacher for every thirty-five students for class VI to VIII. There should be one expert teacher each for teaching (i) Science & Mathematics (ii) Social Sciences and (iii) Languages. A full-time Principal is recommended for a school with more than 100 students.

The Act also sets down the standards and guidelines relating to buildings and infrastructure and the working days for school. Classes I to V should have 200 working days & Classes VI to VIII 220 working days per academic year, with a 45 hour work week and the working hours for the teacher. Cost reimbursed per child incurred by the State or the actual fee charged whichever is less. As far as school infrastructure and playground as per RTE Act, 2009 is concerned the RTE requires at least one classroom for each teacher and a cum-store-cum-head desk teachers' room, safe and adequate drinking water for all children, separate toilet for boys and girls and arrangements for securing the school building with a perimeter wall or fence. The RTE also requires that each school has a play area and that the play materials be provided to students. The

school has to ensure all round development of the child and practice inclusion without denying admission to any child on any grounds.

Government must ensure free and compulsory education to every child. Government must ensure availability of neighbourhood schools within 1 kilometre walking distance for children in classes I to V and within 3 kilometres for those in classes VI to VIII.

The Act provides the formation of National Commission for Protection of Child Rights (NCPCR) and State Commission for Protection of Child Rights (SCPCR) for the supervision of the implementation of the RTE Act, 2009 and looking after complaints and protection of child rights. The Act lays down the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.

The Act sets the norms and standards related to curriculum, school infrastructure, quantity and quality of teachers, discrimination and harassment, no detention policy, and holistic development (Ramchandran, 2009; Srivastava, 2010; Verger and Vanderkaiij, 2012).

Thus, the features of the RTE Act, 2009 covers guidelines for the admission, for taking measures such that child remains in the elementary school and learns and governments role for the regulation in the implementation of the RTE Act. RTE Act, 2009 amended by RTE Amendment Act 2012 amended RTE Act, 2009. It included children with disabilities in the Act. It promoted home based education for children with severe disability. Minority education institution shall work in advisory capacity and RTE does not apply to religious educational institution.



An analysis of the features of RTE Act, 2009 suggests physical access of education to all children. Access does not constitute a simple physical availability from school; this involved facilitating full, free and joyful participation of children in terms of free and compulsory education to all children irrespective of their race, ethnic background, religion, sex, whether they are rich or poor, citizen or non-citizen. The features providing quality education to all children indicates how the participation of the beneficiaries be ensured and facilitated. The factors that affect the participation of the learners in general are discussed in point.

The RTE Act creates access and next step is to study how is the access is being utilized by the beneficiaries. This leads to the participation of the beneficiaries in the school. In understanding this two points are important: challenges of socio-cultural inclusive education and factors affecting the participation of the beneficiaries.

## **1.2 Participation of beneficiaries in education**

Participation has been defined in several ways, including "the number of unsolicited responses offered" (Burchfield & Sappington, 1999, p. 290), "the extent of participation in class discussion" (Weaver & Qi, 2005, p. 581) and "any comments or questions that students have proposed or raised in class" (Fassinger, 2000, p. 39). The definitions mentioned above focus mainly on quantitative measures of participation and do not take into account the quality of responses given by a student. This is probably due to the difficulty of assessing what constitutes a quality response for all disciplines and because the result can be subjective. Participation can also be seen as part of an overall student engagement process as defined by Dancer and Kamvounias (2005) who "divided this process into five distinct categories: preparation, contribution to discussion, group skills, communication skills and attendance (p. 448)". This definition is more holistic

as it includes the quality of the discussion as well as the respect within the group which, according to Weaver and Qi (2005), was a direct factor that affected levels of class participation. The evaluation of participation can be done by the teacher, by peer evaluation, as well as by self-evaluation. There are some factors that affect the participation of the students. The principle of participation is mentioned in several human rights declarations and is highlighted in Article 12(1) of the United Nations Convention on the Rights of the Child (UNCRC, 1990) which states that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child.”

Numerous factors determine participation levels in the classroom and need to be taken into account when determining a strategy that will encourage an active learning environment and therefore raise levels of participation.

### ***1.2. 1 Factors that affect the Participation of students***

Numerous factors determine participation levels in the classroom and need to be taken into account when determining a strategy that will encourage an active learning environment and therefore raise levels of participation-

#### **Socio-economic status of the students**

Socio-economic status of the students and their academic success: Socio-economic status reflects and is measured by the social and economic status of family members. Many researchers have found that factors related to family background can account for most of the variance in student achievement and play a more important role than schools (Arnold & Doctoroff, 2003; Reardon, 2011; Berkowitz et al., 2017; Lawson and Farah, 2017). “The positive correlation between SES and academic achievement persists from childhood to adolescence and is consistent across races” (Mpofu and Van de Vijver,

2000; Wössmann, 2005; Aikens and Barbarin, 2008; Caro et al., 2009; Kieffer, 2012; Ren and Xin, 2013). However, some studies have shown that SES has little or no relevance to academic success (Rech & Stevens, 1996; Seyfried, 1998; Ripple & Luthar, 2000). Socio-economic status of the family may directly or indirectly related with the academic achievement of the students.

### **Student traits**

As individuals, we differ in personalities and not everybody is the same. “Confidence is a key trait that students struggle with and has a direct effect on participation (Weaver & Qi, 2005)”. “Students deal with fears of not being smart enough to address their class and therefore holdback on providing insight on subject matter due to intimidation” (Karp & Yoels, 1976). Anxiety and nervousness, independent of classroom logistics, inhibit students from communicating instead of building their confidence through participation. Neer and Kircher (1989) added that students dealing with classroom apprehension felt more comfortable only when they became familiar with their peers and therefore felt comfortable in expressing themselves. The authors explained that classroom apprehension can be mitigated by allowing students to prepare for discussion prior to class. By doing so, they become more comfortable with the subject matter and can organize their thoughts so that they would be able to participate in classroom discussion. This can be done through homework (Fassinger, 1995), readings (Cohen, 1991), role play with classmates, and brainstorming. Furthermore, as studied by Kao & Gansneder, 1995 & Tatar, 2005, students who are not native English speakers are less likely to participate in classroom discussion in English due to a lack of confidence in their language abilities thus lowering the level of participation in the classroom.

### **Preparation for class**

“Fear is an issue many students face as they may not have sufficient knowledge and may be dealing with insecurities in the classroom (Weaver & Qi, 2005)”. Research shows that some students reported to not be participating in classes if they did not prepare on the subject matter prior to coming to class, therefore did not feel comfortable engaging in discussion (Howard et al., 2002). Students worried that they would be criticized by both their peers and teachers, for not being well informed on the subject matter. Fear of being criticized by laughed is one of the hindrance on student’s way of participation.

### **Classroom size**

“Classroom size has shown to have a direct and indirect impact on participation (Weaver & Qi, 2005).” In small classroom, higher levels of participation have been recorded due to the student being more comfortable in an intimate classroom setting and therefore having less anxiety (Myers, S. A., & Rocca, K. A. (2000). “Larger classrooms promote anonymity among students and raise the level of fear as they now have to contribute in front of a larger crowd which could result in a larger amount of disapproval from peers (Weaver & Qi, 2005).” Logistics of the classroom do matter and affect classroom participation.

### **Academic achievement**

“Grading is an effective method that can be used to increase levels of participation. If participation has a positive impact on a student’s grade, they are more likely to participate in classroom discussion (Fassinger, 2000).” Boniecki and Moore (2003) suggested that offering extra credit might be a better way to reward participation versus

giving it a separate grade, their findings supported this argument. In determining how often to assess a student's participation, Dancer and Kamvounias (2005) found that a mid-semester grade would be most effective in providing students with a concrete performance indicator in terms of their participation. This would allow them the opportunity to take action and improve for the rest of the semester.

### **Peers role and students participation**

Since students not only study, but are also peers with each other, they have to negotiate two different social roles, each with their own tasks and commitments. First, they must complete their schoolwork. Second, they should also coexist with others in the class and strive to achieve a certain status of peers. While there are apparent differences between being a student and being a classmate, research clearly shows that these two social roles can influence each other. On the one hand, the nature of students' relationship with other classmates influences their academic engagement (e.g. Engels et al., 2017; Kindermann, 2007), it can foster academic development (e.g. Chen , Chang, Liu and He, 2008), it is also linked to academic motivation (Molloy, Gest and Rulison, 2011) or academic expectations (Cillessen and Mayeux, 2007). In contrast, student behavior in school can affect their peer status (Boyatzis, Baloff & Durieux, 1998; Hopmeyer Gorman, Kim & Schimmelbusch, 2002).

### **Teacher's role**

Teachers play an important role in engaging students in their classroom. Given that "teachers are seen as the leaders of authority within the classroom, the way they build their relationships with students is critical in getting them to participate" (Karp & Yoels, 1976; Wade, 1994; Weaver & Qi, 2005). Teachers' authority can hinder participation

and studies have shown that effective ways to deal is to learn students' names, create a climate of respect and openness, and allow students to refer to them by first names (Fassinger, 1995; Nunn, 1996). Classes with higher participation levels perceive their teachers to be approachable, inclusive, promoters of discussion, and supportive (Fassinger, 2000). If teachers are constantly negative towards students, criticize them, and ignore them, students are less likely to participate within the classroom (Wade, 1994). This can be tied into having a direct negative affect on a students' confidence levels and instilling fear in students which as a result, causes low participation (Rocca, 2009). Fassinger (2000) indicated that classroom norms play an important role in facilitating a classroom climate that promotes participation. Auster and MacRone (1994) noted that if students felt as though faculty perceived their input into discussion as important, and encouraged them to express their opinions, they would participate more within the classroom. Hyde and Ruth (2002) argued that professors could increase levels of participation by providing positive feedback to students and ensure that the dialogue within the classroom allows students to be critical with one another in a respectful manner.

The fundamental concerns of education – “enabling children to make sense of life and develop their potential, to define and pursue a goal, and to recognize the right of others to do the same - remain unchallenged and still apply today. If anything, we must reiterate the mutual interdependence of humans and,” as Tagore says, “we achieve our greatest happiness when we realize ourselves through others. Likewise, we must reaffirm our commitment to the concept of equality, in the landscape of cultural and socio-economic diversity from which children enter school portals. Education must be able to promote values which promote peace, humanity and tolerance in a multicultural

society.” This can be done through providing an enabling learning environment to these children.

### **1.3 Conducive learning atmosphere to beneficiaries**

Learning environment relates to providing a conducive child-friendly environment for children in schools and simultaneously developing the proficiencies of the teachers. The focus is not just on providing training to the teachers but also in nurturing their attitudes. Learning takes place in a network of social relationships ‘as teachers and students interact both formally and informally.’ Schools are institutional spaces for communities of learners, including students and teachers. Education to be effective in schools, the environment should be conducive to learning, allowing students to have space and time to interact within learning and teaching to thrive. Creating and sustaining stimulating learning environments can be achieved through effective classroom organization, interactive exhibits for the whole school and a climate of innovation. Learning is directly linked to the incentives available in schools.

#### ***1.3.1 Administrative changes and facilities available to the beneficiaries***

The school environment ensures that all children have access to schooling and that they are cared and supported by everyone concerned and also that the children are protected from any harm, harassment or violence from the family or the society. Some of the key elements are class rooms should be clean, bright, well-lit, properly ventilated with adequate seating arrangements for children to sit comfortably and learn the activities.

The school building should preferably have libraries, playground, music room, sport equipment, gardens, etc. Clean drinking water to be ensured to all the children and there should be separate toilets for boys and girls. To promote a healthy environment, nutritious food to be served to the children and annual health check-up to

be conducted. Also, health and sanitation topics to be included in the learning material, children to take active participation in framing rules in the schools and classrooms and also to participate in important decision-making.

### ***1.3.2 Teachers role in providing conducive learning atmosphere to the beneficiaries***

Teachers are important and make a difference. The quality of teaching is a crucial factor in promoting effective learning in schools. Effective teaching requires people with academic ability and who care about the well-being of children and young people. A good teacher can play an important role in an individual's learning.

The effective teacher is an artist who guides a student's experiences in a way that satisfies, at least in part, some of the needs that she feels at the time. Teachers can invite children to express themselves and make them feel that they contain these expressions in part through their conception of the environment.

The parameters for teachers' performance are clearly defined so that the quality of teachers is uniform and every child gets appropriate learning. The teachers are to be evaluated from time to time and will have to undergo regular trainings and development programmes. These programmes address teacher's knowledge, skills, motivation and attitude and ensure an improved classroom experience. In a bid to support teachers and improve the learning process, annual plans are to be developed and implemented.

### ***1.3.3 Peers role in developing conducive learning atmosphere***

A positive and amicable peer-to-peer relation reflects the growth of the tender minds and their prospects. A positive relationship among students is essential to embed a sense of mutual and cultural respect for each other. This allows the young individuals to feel



safe, free and high respect for each other. Therefore, encouraging students to have a good relationship with one another is a great way of helping them express themselves better. Motivation and academic performance at school are affected by friendships among peers (see Bukowski, Newcomb, & Hartup, 1998) as are school engagement, attitudes to school, and dropout potential (Wentzel & Caldwell, 1998). Children who have friends perform better at school than those who do not have friends (Bandura, Barbaranelli, Caprara, & Pastorelli, 1996; Dishon, 1990; Frenzel, Cresham, & Elliotts, 1991; Krappman, 1985; Wentzel & Asher, 1995). The primary purpose of learning should not be restricted to academics alone, but make students enjoy their social environment and learn the fundamental values of the life.

#### ***1.3.4 Parents role developing conducive learning atmosphere***

Community participation relates to the participation of children, families and the communities in managing their local schools. According to Section 10 of the RTE Act, 2009, '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 neighborhood school.' Parents and communities will audit the schools and help identify the gaps through constant feedback, while the school will help the communities with the right kind of learning and provide parental guidance and other forms of education to the parents. However, the Act has some issues and challenges.

#### **1.4 RTE Act, 2009: Issues and challenges**

The RTE Act has been criticized on some aspects. The first is that it has excluded children in the age group 0 to 6 years from its scope. The law was criticized on the grounds that the rule of non-detention under the law will not provide a quality education for children. The Act specifies that the child should be assigned the class according to

age, which is a decent step in light of that fact that squandered years can be spared; but no bridge course is recommended that can set up the child to change in accordance to the admitted class. “The Act is esteemed to be unreasonably input-centered rather than result-oriented. And none of these inputs seem to care a lot about learning outcomes” (Muralidharan 2012). Thus, the Act appears well intentioned but it does have aspects which may present difficulties in its usage. This has been brought up by Raina, V. (2010) the chief architect of RTE in India after passing RTE Act, 2009 -

“..having made education a fundamental right, the question that needs serious debate is whether the bill introduced in Parliament will help improve the situation in a substantial manner or not. To address that question, it needs to be recognized that the challenge of elementary education is to somehow find a way to deal with the elusive triangle of access, equity and quality.”

In the elusive triangle of access, equity and quality, first step of access to is achieved as free and compulsory education is available to one and all without any discrimination, through educational institutions, set up within reasonable distance for easy attendance by the pupils, ensuring security within the educational system and making entry in to the educational system available to one and all, regardless of age or varied social conditions. The second step of equity is also achieved as there is an elimination of gender and racial discrimination. The third step that is quality of education shall encompass participation in school, health and safety of the beneficiaries, well trained and professionally well-equipped teachers, no discrimination and conducive learning environment to the beneficiaries.

The government introduce Public Private Partnership (PPP) in order creates access and condition in the school in which the students from disadvantaged background are studying with students of advantaged background.

### **1.5 Implementation of RTE Act via Public Private Partnership (PPP)**

The Government of India (GoI) claims that this legislation reinforces the government's constitutional obligation to provide a free and equitable education for all children between the ages of 6 – 14 years. The main rationale and justification for developing public-private partnerships (PPPs) in education is expanding equitable & reasonable access to schooling and for improving participation and education outcomes of learners, especially for marginalized groups. Kapil Sibal, Minister of Human Resources Development from 2009 to 2012, who presented this bill to Parliament, talked about reserving places in private schools social responsibility context [Times of India, 20<sup>th</sup> April 2012]. He explained the reason to insert Article 12 (1) (c) as follows: although it is the responsibility of the government 'to ensure the universalization of primary education it is very difficult to implement the same on the ground.' The government needs the assistance of all stakeholders in the system, including the private sector. However, this support from the private sector must also be controlled in one way or another. Therefore, the Act provides that "each private school the country must reserve 25 percent of its seats for the disadvantaged and weaker section."

The principle of sharing the obligation to ensure fundamental right to education with private entities (which are not minority institutions) has also been constitutionally confirmed. The Supreme Court has ruled that since education is a charitable activity, the provision of clause 12 (1) (c) of the RTE Act does not violate the fundamental right practice a profession, a business or a profession as consecrated Article 19 (1) (g) of the Constitution.

The RTE Act was promulgated in order to provide inclusive basic education for all. There were also emphasis on free and compulsory education for satisfactory quality for children from disadvantaged backgrounds and weaker sections, not only under the responsibility of the government, but also schools which do not depend on public funds. This is reflected in Article 12 (1) (c) of the RTE Act, which requires private schools to provide free and compulsory elementary education, at least up to 25 percent of their class strength, to children belonging to economically weaker (EWS) and disadvantaged sections groups in the neighborhood. The private schools, who according to this act become natural partner, willingly or unwillingly have a different stand on it. The final passing of “Right of Children to Free and Compulsory Education Act, 2009” presumes that there will be an extreme change of the school education framework in India.

India’s commitment to RTE needs to be understood in the international perspective.

### **1.6 RTE in India and international perspective**

Education is internationally recognized as a fundamental right. 155 countries (According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) ‘Education for All Global Monitoring Report 2020) have constitutional provisions for free and non-discriminatory education for all. The range of constitutional guarantee for free and compulsory education across different countries consist of full Constitutional guarantee and partial Constitutional guarantee. Also, the number of years considered under free and compulsory education vary from twelve years to three years. However, countries such as Afghanistan, Nigeria, Thailand, UAE, Philippines, Georgia, United States, and a majority of Sub-Saharan African, do not have any law providing free education in Constitution.

Table 1 lists countries that guarantee Right to Education in their constitution.

**Table 1**

*Countries guarantee Right to Education in their constitution*

<b>Constitutional Guarantee</b>	<b>Country</b>	<b>Number of years for Free Education</b>
<b>Full constitutional guarantee</b>	Chile	Fifteen Years
<b>Full constitutional guarantee</b>	Norway, Bahrain, Belgium, Germany, Italy	Twelve Years
<b>Partial constitutional guarantee</b>	Britain, Israel, Kazakhstan, Netherland, New Zealand, Sri Lanka	Eleven Years
<b>Partial constitutional guarantee</b>	Australia, Canada, France, Hungary, Jordan, South Africa, Spain	Ten Years
<b>Partial constitutional guarantee</b>	Algeria, Austria, China, Cyprus, Denmark, Greece, Ireland, Japan, Finland, Russia, Sweden, Switzerland	Nine Years
<b>Partial constitutional guarantee</b>	India, Brazil, Egypt, Ukraine, Iceland, Kenya, Kuwait, Poland Afghanistan, China Switzerland	Eight Years
<b>Partial constitutional guarantee</b>	Nigeria, Thailand, UAE, Philippines and Georgia	Six Years
<b>Partial constitutional guarantee</b>	Bangladesh, Myanmar, Nepal, Iran, Zimbabwe, Turkey, Vietnam Saudi Arabia Iraq UAE	Five Years
<b>No constitutional provision</b>	Angola, Indonesia, Singapore, Zambia US South Africa Malaysia Saharan African Countries	--

(World Education Report, UNESCO (2002))

According to UNESCO's "Education for All Global Monitoring Report 2010", around 135 countries have constitutional provisions for free and non-discriminatory

education for all. However, the report states that despite the legal guarantee of free education, primary school fees continue to be charged in some countries. “In reality, free primary education remains the exception rather than the rule,” the report says. Chile tops the list of countries that offer free education for a period of 15 years to a child. It gives free and compulsory education to children aged 6 to 21. There are seven countries such as Germany, Belgium, Italy and Norway that have provisions for free compulsory education for children covering their entire school period. Countries like Great Britain and New Zealand have made education compulsory and free for children for a period of 11 years. Spain, France, Norway and Canada are among the 19 countries where education is free for 10 years, ranging from 5 to 15 years or from 6 to 16 years. According to the report, there are 34 countries, including Japan, Finland, Russia and Sweden, where a child obtains nine years of compulsory education.

In India, the Right to Education Act, which provides for free and compulsory education for children aged 6 to 14, came into force. With the new education law operational, India has joined 20 other countries, including Afghanistan, China and Switzerland, which have laws guaranteeing free and compulsory education for eight years of primary education. India's neighbors, such as Sri Lanka and Pakistan, do not have free education laws, while Bangladesh and Myanmar have such provisions for a period of four years, while Nepal has five years of compulsory education. According to the report, there are seven countries, including Romania and Brazil, whose laws define seven years of compulsory education for a child, while five countries, including the Philippines and Georgia, grant children the legal right to education. Saudi Arabia, the United Arab Emirates, Iraq and eight other countries have provided five years of free education for children. However, more than 50 countries, including the United States, South Africa, Malaysia and a majority of countries in sub-Saharan Africa, do not have

any constitutional provision providing for free and compulsory education for children. The UNESCO report, however, does not have data on some countries as to whether they have a constitutional provision for free education. In comparison the various countries that have constitutional guarantee for free and compulsory education, India stand third from the lowest end. It covers the entire period of primary education of eight years. Admittedly, the Right to Free and Compulsory Education Act, 2009 commonly known as the Right To Education (RTE) Act, 2009 has provided with effect from 1st April 2010, the Children of India between the age group of 6 to 14 years a guaranteed opportunity of being assured of free and compulsory education in the direction of inclusive educational policy in India.

### **1.7 Status of RTE implementation in various states**

In response to a Right to Information request filed to the MHRD for all states and Union Territories (UT) for information related to the implementation, the department has provided the detailed state-wise, year-wise breakdown of the numbers reported by the states. Out of 34 states and UTs<sup>25</sup>, 18 show zero schools implementing Section 12(1) (c) of the Act. These are Andhra Pradesh, Arunachal Pradesh, Daman and Diu, Goa, Haryana, Himachal Pradesh, Kerala, Manipur, Mizoram, Nagaland, Sikkim, Tripura, West Bengal, Meghalaya, Pondicherry, Punjab and Telangana.

At the national level, enrolment in private schools rose by 40% in a six-year time frame whereas, in the same period, government schools reported a fall of 10%. Some states like Bihar and Kerala have shown extraordinary growth (more than 100%) in five years, and other states (Uttar Pradesh, Odisha, Jharkhand, Maharashtra, Haryana and Gujarat) have shown a rise in enrolment of 50% or more (DISE). A stark contrast is observed in government school enrolments; states like Madhya Pradesh, Himachal

Pradesh, Haryana, Kerala and Maharashtra show falling enrolments to the tune of 25 to 20 percent. The rising figures in private schools indicate the crucial role played by the private sector in the Indian education.

This law focuses on the interests of compulsory public sector education providers, instead of focusing on the interests of children and parents. [Shah, P. (2012)]. It focuses on the inputs into the educational process, regardless of the outcomes that come out of it. It penalizes private schools that have weaknesses in inputs, regardless of the fact that these schools often induce better learning outcomes compared to public schools. In recent weeks, Gujarat introduced some of the most innovative ideas for the recognition of existing private schools without assistance. The rule-drafting committee in Gujarat, headed by the former chief secretary, Mr. Sudhir Mankad, brought in new ground in understanding the political issues facing education in India today.

### **1.8 Inclusive education through Section 12 (1) (c) of the RTE Act, 2009**

With the move of the Right to Education from a Directive Principle of State Policy to a Fundamental Right, came Section 12(1) (c) of the Act. The statement forces a lawful commitment upon private independent schools to save 25 percent of the seats in the entry- level class for children from Economically Weaker Section (EWS) and Disadvantaged Groups (DG).

Section 2 (e) of the Act states “weaker group children are those whose parents/ guardians belongs to BPL family or whose annual income is less than government declaration/ resolution.” As per Section 2 (d) of the Act, disadvantaged group refer children “belonging to Scheduled Caste (‘SC’) or Scheduled Tribe (‘ST’), and those part of any ‘socially and educationally backward class’ as may be specified by the notification of an appropriate Government.” To admit the children under the scheme



definition of the children belongs to 'weaker and disadvantaged group' refers to "orphan child, children needs care, children belongs to child care institute, child labor/ children of migrating labor, mentally retardation/ Cerebral Palsy, children with special needs physically disabled, children affected with HIV, Schedule caste, Schedule tribe, Socially and educationally backward class/ Other backward class. The exact amount of annual income required to qualify in the EWS category varies from state to state. For instance, the income limit for the EWS category is Rs. 36000 per annum in Gujarat in the year 2013-14. Income limits for the DG category are different for every state. For example, for people belonging to SC/ST/OBC, in Bihar, the limit is Rs. 1 lakh for every sub-category. Alternatively, the income limit in Gujarat is Rs. 2 lac per annum.

### **1.9 RTE Act, 2009 in Gujarat**

Gujarat, one of the states on the western region of India, has a population of 6.03 crores (2011 census). Gujarat's literacy rate has clearly increased from 69.1 % (2001 census) to 78%. The female literacy rate in the last decade has increased by 12.93 %. The female literacy rate in 2001 census was 57.8 % which has gone up to 69.7% in 2011 census. Moreover, the male literacy rate was 79.7% in 2001 census which has increased to 85.8 % in 2011 census. The male literacy rate shows a rise of 6.10 % in the last decade. Gujarat was the one of the state in India to pass and implement RTE Act, 2009 in exercise of the powers conferred by the Section 38. It is one of the first times in Indian history that public policy has focused on children and parents, instead of focusing on the producers of public sector education services. Gujarat Right of Children to Free and Compulsory Education Rules, 2012 came into force in Gujarat on Saturday, February 18, 2012. Instead of focusing only on the entry requirements

specified in the Act like class size, playground, and teacher-student ratio, Gujarat's RTE rules put more emphasis on learning outcomes of the students.

### 1.9.1 *Increased preference for private schools in Gujarat*

With respect to school education, the enrollment figure indicate increased preference for private schools in Gujarat. Though the enrollment has increased, the type of schools preferred are different. Table 2 indicates enrollment in Government and private schools in different cities in Gujarat.

**Table 2**

#### *Enrollment in Government and Private Schools in different cities in Gujarat*

DISTRICT	ENROLLMENT 2012-13		ENROLMENT 2013-14		ENROLMENT 2014-15	
	Govt. Schools	Private Schools	Govt. Schools	Private Schools	Govt. Schools	Private Schools
AHMEDABAD	76118	10915	73745	15431	73147	13186
SURAT	30192	6188	28415	9286	24550	3290
VADODARA	73631	3701	72440	6457	28839	4811
RAJKOT	4634	4748	4549	4521	3076	4555
BHAVNANAGAR	16274	2452	14876	1849	6986	1409
JAMNAGAR	6092	2355	5658	1918	1392	969
JUNAGARH	6741	2514	6448	2792	3381	1105
GANDHINAGAR	6363	3577	7210	5286	7051	4788

#### **District Information System for Education (DISE, 2014-15)**

The data presented in Table 2 indicates that enrollment in government school is showing decline in every subsequent year i.e. 2012-13 to 2014-15. On the contrary, looking at the Private school, enrollment rate is showing improvement in every subsequent year. It may be assumed that numbers of students are shifting more to

private schools than the government schools. In this context, it is important to understand which learner are moving from government schools and the reasons for it. In contrast to this, the RTE has been criticized in Gujarat on several grounds. Yagnik (2013) observes, “Three years after the Right of Children to free and compulsory Education Act, the state government has failed to mobilize poor students who can take benefit of the Act and get admission in private schools for free education.”

Gujarat state appears to be positioned well in clearly laying out a mechanism of implementation of the RTE.

### ***1.9.2 Implementation of Sec 12(1) (c) of RTE Act in Gujarat***

The Gujarat government has issued government resolution (GR) for 25% reservation for students from socially and economically backward classes in classes I to VII of the elementary section. Singh (2013) stated that three years after the implementation of Right to Education (RTE) Act, the state government passed a resolution to reserve 25 per cent seats for economically weaker section (EWS) and distraught groups in independent private schools. Arranged to be executed in stages from the academic session 2013-14, the government has roped in eight municipal corporations and saved 5,300 seats for children from EWS and distraught groups. The execution is expected to begin from urban communities. In the underlying stage, schools in south Gujarat and Saurashtra regions will be taken care of. Eight municipal corporations including Ahmedabad (2000 Seats), Surat (1000 Seats), Vadodara (800 Seats), Rajkot (500 Seats), Bhavnagar (250 Seats), Jamnagar (250 Seats), Junagadh (250 Seats) and Gandhinagar (250 Seats) has been given the obligation for the execution of this condition.

This scheme is being introduced in above mentioned eight municipal corporations on experimental basis. It can be seen that approximate 5300 children were covered under this scheme. Maximum numbers of seats were given to Ahmedabad. It can be because of high population (7208000) or schools (2836) as compared with other cities. After Ahmedabad and Surat, Vadodara is the third largest city. It witnessed an initiatives of Maharaja Sayajirao Gaekwad III in the field of education and especially primary education. The free and compulsory primary education act was demanded and implemented in the then Baroda state by Sayajirao Gaekwad III. In this backdrop, the implementation of RTE Act in Vadodara requires a closer examination.

### **1.9.3 RTE Act, 2009 in Vadodara: Status of Implementation\**

Vadodara has a population of almost 2.2 million people and approximately 20% (2.57 lakhs) of Vadodara's population lives in 336 slums (2011 census). The city is governed by Municipal Corporation which comes under Vadodara Metropolitan Region. The Vadodara city is located in Gujarat state of India. As per provisional reports of Census India, population of Vadodara in 2011 is 1,670,806; of which male and female are 869,647 and 801,159 respectively. Although Vadodara city has population of 1,670,806; its urban / metropolitan population is 1,822,221 of which 949,998 are males and 872,223 are females. It has average literacy rate of 90.63 % of which 93.83 % were male and 87.18 % were female. It is important to see how the city with such a strong legacy in the field of education has responded to Section 12 (1) (c) of the RTE Act, 2009. Section 12 (1) (c) of the Act applies to those schools that are 'specified in sub-clauses (iii) and (iv) of clause (n) of section 2' of the RTE Act. Section 2(n) defines a "school." As per Section 2(n) of the RTE Act, 2009 four categories of schools are defined as-

- i. Funded and managed by the government or local authority.
- ii. Private but aided by the government or local authority.
- iii. Schools defined under special category, like Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik Vidyalaya and
- iv. Private unaided schools.

Sub-clauses (iii) and (iv) focus on “a school belonging to specified category” and “an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority” respectively. However, the types of schools also slightly vary depending on the states. In most states, only unaided private schools are included under this section but in Gujarat, some minority schools are included and in Rajasthan, minority schools are given an option.

Table 3 shows the number of actual admission taken under Section 12 (1) (C) of the RTE Act, 2009 in Vadodara city. The admissions granted under RTE Act as per the records of District Education Officer, Vadodara are presented below.

**Table 3**

***Total Admission under RTE Act, 2009 in Vadodara city***

<b>Academic years</b>	<b>Number of Students admitted under RTE Act</b>	<b>Number of Schools</b>
2013-14	89	43
2014-15	600	72
2015-16	1900	126
2016-17	2400	NA
2017-18	3703	242
2018-19	5400	327
2019-20	6000	NA

(District Education Office (2015), Vadodara)

The data presented in Table 3 reveals that 89 beneficiaries took admission in 43 schools in the academic year 2013-14, 600 beneficiaries took admission in 72 schools in the academic year 2014-15, 1900 beneficiaries took admission in 126 schools in the academic year 2015-16, 2400 beneficiaries took admission in the admission in the academic year , 3703 beneficiaries took admission in 242 schools in the academic year 2017-18, 5400 beneficiaries took admission in 327 schools in the academic year 2018-19 and 6000 beneficiaries took admission in the academic year 2019-20 in Vadodara city. The number of admission of beneficiaries in private unaided school showed increase in every subsequent year. In the academic year 2016-17, the District Education Officer, Mehta, N. (2016) declared that 2400 students from the poor families will be given admission in private schools under the provision of twenty five percent reservation for weaker and disadvantaged section of RTE Act, 2009. He further added that State Government awards a quota to each city for admission under RTE Act, 2009. DEO said that children would be given admission in 82 Gujarati Medium Schools, 33 English Medium Schools as well as 11 CBSE Schools and international schools. In Vadodara city, there are 398 Private unaided schools. Various strategies were employed by the Vadodara to implement the provision of 25% reservation for students from socially and economically backward classes effectively in Private unaided schools. [District Education Officer, Vadodara. Mehta, N (2016)]. The major steps taken for this were: creating awareness among the target group by arranging distribution of admission forms; and engaged social work volunteers to expedite the task.

### **1.10 Broad Question**

The presentation about the RTE Act, 2009 in general and with specific respect to clause 12 (1) (c) and its implementation, the ground is set for the implementation of RTE Act, 2009 in Vadodara.

There is a need to now focus on the broad questions of the next stage of the RTE Act, 2009 implementation beyond creating access in terms of admission. The broad questions raised are-

- What will be the measures of success of RTE?-
- How do the beneficiaries perceive the rights based education and RTE in particular?
- How will the Rights Based education lead to participation?

### 1.11 Rationale for the study

In the endeavor to achieve compulsory primary education for all, various policy initiatives and programs were initiated. Hence, legislation to pass RTE Act was considered as a way to achieve compulsory primary education for all.

RTE Act, 2009 is based on a rights based approach to education. The Act makes education as a fundamental rights for the children and guarantees free and compulsory elementary education to all children aged from 6 to 14 years. The implementation of the Act is the responsibility of the Government. Since government has limitation in terms of resources like human, finance, infrastructure they shared some of their responsibilities with private sector through Public Private Partnership (PPP). This was through Section 12 1 (c) of the Act which mandated all private unaided schools to reserve twenty five percent of their total seats for weaker and disadvantaged groups. This brings a unique situation through a combination of underprivileged students studying with privileged student. The Section 12 1 c and the PPP model has indirectly also created a situation where children sit, eat and learn together for at least eight years of their lives across caste, class and gender divides in order that it narrows down such

divisions in our society. Participation of learners in classrooms and schools in this situation is worthy of study.

Participation of learners in teaching learning is also a concern raised by one of the chief architects of the RTE Act, 2009 Raina, V. (2010). He observed this challenge of elementary education is to somehow find a way to deal with the elusive triangle of access, equity and quality. In the elusive triangle of access, equity and quality, the first step of access is free and compulsory education is available to one and all without any discrimination, through educational institutions, set up within reasonable distance for easy attendance by the pupils, ensuring security within the educational system and making entry in to the educational system available to one and all, regardless of age or varied social conditions. The second step of equity is an elimination of gender and racial discrimination. The third step that is quality of education encompass participation in school, health and safety of the beneficiaries, well trained and professionally well-equipped teachers, no discrimination and conducive learning environment to the beneficiaries. Access does not constitute a simple physical availability from school; this involved facilitating full, free and joyful participation of children in learning. Interventions for universal access cannot therefore be limited to school infrastructure, residential installations or transport, but must encompass the curriculum, including the "hidden" curriculum, pedagogy and evaluation. Fair access must be tangled with equity quality to institutionalism and support universal access.

The RTE Act has many challenges. The first is that RTE Act, 2009 by mandating the inclusion of underprivileged children in private unaided schools, Section 12 1 c of the RTE Act makes schooling in India more integrated and inclusive. Through a promise of holistic education at the school level, it provides for a way to uplift the underprivileged sections of society. Section 12(1) (c), if implemented earnestly, has



the potential to transform the lives of millions of deprived section of the society. The second challenge is that it is input focused. Muralidharan (2012) states that the emphasis on inputs does not care about learning outcomes. The impact of improving school infrastructure appears to have a mixed impact on learning outcomes. At the elementary level, for example, only 40% of fourth and fifth grade children could perform a subtraction and over 53% of fifth grade students could not read second grade text (Pratham 2012). He further states that the proportion of spending in India over past decade have resulted in a visible improvement in access and school facilities, such as a reduction in the pupil-teacher ratio (PTR), an improvement in the provision of midday meals and infrastructure such as toilets and electricity (Pratham 2012), they are not necessarily effective in improving learning outcomes. This raises the question about what happens in the classroom after the access is created and inputs are provided. Participation of learner is, therefore, important area of study. "Participation refers to overall student engagement process into five distinct categories: preparation, contribution to discussion, group skills, communication skills and attendance" (Dancer and Kamvounias (2005)). Numerous factors like socio-economic status of the students, student's traits, and preparation for class, classroom size, academic achievement, peers role and teachers' role determine participation levels in the classroom. These factors which determine participation levels in the classroom need to be taken into account when determining a strategy that will encourage an active learning environment and therefore raise levels of participation.

The study of participation of RTE beneficiaries under Section 12 (1) (c) of the Act is more important because learners from underprivileged socio-economic background will be learning with learners from privileged background. This situation though ideally helpful but it has challenges too.

Most of the studies like Rana (2018), Mobar (2015), Jha, J. et al (2013), Singh, et al. (2012), Ogunshola & Adewale (2012) focused on the implementation of Act and socio-economic condition of the beneficiaries are the aspect partially covered in these studies. The findings of the study revealed that most of the beneficiaries were Scheduled Castes and only few beneficiaries were from general category. Most of the beneficiaries did not go to school before taking admission in the entry classes under the EWS Quota. And most of the mother in Economic Weaker Section (EWS) families were illiterate and it could be the major reason for EWS children to depend on tuitions for the home assignment. It also focused on factors that affect girl child education. Many issues such as poverty, social values, inadequate school facilities, shortage of female teachers, and gender bias in curriculum affect the girl's education. None of the above quoted studies focussed on the social participation of the beneficiaries in the school. Methodology adopted by most of the study was survey design and it was appropriate for the present study too.

The findings of the study conducted by Zorinsangi (2012) Singh (2017) & Selvarajan (2012) indicate problem of providing remedial teaching as the biggest challenge faced by majority of Government and private unaided elementary schools. Raman & Kritika (2017), Kumar (2019) revealed that lack of knowledge of the RTE Act is the main obstacle, other practical problems such as insufficient funds, inadequate use of available funds, overload of teachers for non-academic activities, lack of coordination between actors, communities and governments, etc. is also quite serious. Parmeshwari & Budiyanto (2017) focused on the importance of the participatory contribution of school stakeholders in changing traditional classroom management. Fathima (2014) & Chaturvedi et al. (2015) emphasized the urgent need to take appropriate measures to “transform the adequate infrastructure, train regular teachers

and appoint special teachers, providing teaching materials, auxiliary tools and equipment appropriate to the nature and needs of each disability.” Singh (2017) focused on unsatisfactory training materials for underage children in different classes. Kar, N. (2019) focused on infrastructure conditions, the lack of an adequate teaching base and medium turned out to be the main problem for the RTE children to understand the lessons taught in the classroom pointed out by Gaddipati (2015). Charu et al. (2017) revealed that language as an obstacle. The language of instruction is English, and it is difficult for children who do not know the correct language to understand what is taught in class. It is difficult for teachers to conduct extra classes. Overview of the above mentioned studies indicated the challenges in specific area of concern. These findings helped to develop the aspects which need to study on the participation.

Gujarat was the one of the states in India to pass and implement RTE Act, 2009 in exercise of the powers conferred by the section 38. Gujarat Right of Children to Free and Compulsory Education Rules, 2012 came into force in Gujarat on Saturday, February 18, 2012. Instead of focusing only on the entry requirements specified in the Act like class size, playground, and teacher-student ratio, Gujarat's RTE rules put more emphasis on learning outcomes of the students. Therefore, the present study is restricted within the state of Gujarat so as to see the whether the emphasis on learning outcomes of the beneficiaries of RTE Act shows improvement in substantial manner or not. In the initial year of implementation of RTE Act in Gujarat, the Gujarat government roped in eight cities for the implementation of Section 12 1 (c) of the RTE Act, 2009. The first step of creating access to education is accomplished by RTE. The next stage is critical as to how the access is being used, what is being done to facilitate the beneficiaries coming from different socio-economic background in new set of atmosphere. This situation is also new to the private schools in which RTE

beneficiaries take admission to study. How are the school responding to this also needs to be studied. This is important as the realization of the intent of RTE Act will depend upon how it is implemented and how the beneficiaries are facilitated to gain from the Act. With this context, it is pertinent to study that what type of conducive environment is provided by the schools to these RTE beneficiaries? Does the existing school change and adapt or the beneficiaries adapt?

To gain deep insight into these questions, the descriptive survey was conducted. The first batch of RTE beneficiaries admitted in the year 2013-14 was identified as the sample. The sample was comprised of 89 beneficiaries admitted under RTE Act, 2009 in the academic year 2013-14 in 43 schools in Vadodara city, their Principals, teachers, peers and parents. In the first year of its implementation, that is, 2013-14 on experimental basis pilot a total of 5,300 seats were reserved under the Section 12 1 (c) of the RTE Act, 2009. Ahmedabad (2000 seats), Surat (1000 seats), Vadodara (800 seats), Rajkot (500 seats), Bhavnagar, Jamnagar, Junagadh and Gandhinagar (250 seats) each were a part of the project. Vadodara stood third after Ahmedabad and Surat. Also, Vadodara had their own legacy by Sir Sayaji Rao Gaekwad who introduced first law on education in 1893. Therefore, it is pertinent to study how the Gujarat rules on RTE Act, 2012 have been responded by the beneficiaries and their participation in schools.

The findings of the study will provide an understanding on the nature of participation of the beneficiaries. This will help the teachers and the school administration to continue the practices that work and modify the ones which did not. It will help policy makers to adopt measures and strategies to strengthen the provisions of Act to make it effective for the beneficiaries. The findings can contribute in suggesting curricular components in teacher education programs to prepare teachers to engage with RTE beneficiaries in school.

### **1.12 Research Questions**

In order to inquire about the kind of response RTE Act, 2009 has received, the following research questions were raised-

1. Who are responding to the RTE Act, 2009?
2. How has been the participation of beneficiaries of RTE Act, 2009 in schools?
3. What has been the role of school in responding to the beneficiaries?

### **1.13 Title of the study**

The present study seek to answer the research questions is titled as-

“Understanding beneficiaries and their participation in schools under RTE Act. 2009 in Vadodara city.”

The objectives of the study are given below-

1. To develop profile of beneficiaries of RTE Act, 2009 in Vadodara City
2. To study participation of beneficiaries in school with respect to academic and socio-cultural aspect
3. To study the role of the school in developing conducive environment for participation of beneficiaries of RTE Act, 2009

The present study is delimited to the participation of beneficiaries of Section 12 (1) (c) of the RTE Act, 2009 in Vadodara city. Beneficiaries’ participation in terms of in academic and socio-cultural aspect is the main focus of the study.

The present chapter focused on the thematic framework of the study. It elaborated on various features of the RTE Act, 2009, its predecessor and enactment, various issues and challenges involved in the implementation of the Act, RTE Act in India and international perspective, RTE in various states and in Gujarat. The next chapter presents the review of related literature.