

CHAPTER TWO

REVIEW OF LITERATURE

2.1 REVIEW OF LITERATURE: INTRODUCTION AND RATIONALE

This chapter of the literature review comprises a critical study and summary of the general and specialised literature regarding the specific area and subject of the research topic. The primary goal of thoroughly reviewing the relevant literature is to conduct an in-depth analysis of the body of theory concerning a specific subject, problem, issue, or phenomenon. By identifying existing ideas, their links, the scope of their inquiry, and their linkages, the theoretical literature review contributes to the production of new bodies of knowledge. This strategy is utilised rather frequently to demonstrate that existing theories are inadequate to account for the concerns that

are seen with the findings. Further, the significance of the literature review lies in the fact that it elucidates the connection between the planned research and previous investigations carried out on the same topic, demonstrates the originality and applicability of the research undertaken, and lends support to the methodology used by the researcher.

During the winnowing process, the researcher distils, evaluates, synthesises, and paraphrases the substance of the outside sources that they are studying while simultaneously reviewing the relevant literature. It makes it possible for the researcher to place the relevance of their research within the larger context of research that has been done previously on the same topic. In addition, the researcher is assisted in comparing and contrasting the historical backdrop of the research and determining how the current research is unique or different from the work done in the past. Finally, it sheds light on the justification for why current research is necessary through the literature review.

There are many sub-categories of literature reviews, the most common of which are argumentative, integrative, historical, methodological, systematic, and theoretical. An integrated review examines and critically analyses a particular topic to establish the necessity for new research. In contrast, a historical review evaluates all the past works of scholarship that have been done on the subject—performing a chronological and methodological analysis of the study technique, data collection, critical analysis, and interpretation, as well as the findings. The researcher did a literature review. As a result, to gain a comprehensive understanding of the topic at hand, the crucial patterns and voids, the methodology utilised for the study, and the similarities and differences between the many studies.

Since this thesis's primary objective is to understand how the Right of Children to Free and Compulsory Education Act (RTE) 2009 was implemented in Gujarat, this study uses various research methods. The methodological goal linked with it is to learn about the implementation of the RTE Act 2009 in Gujarat and conduct a normative analysis of the various aspects of the Act. As a result, the mixed-method approach was chosen to achieve this goal. Further, to accomplish this purpose and acquire insight into various aspects of the Act and its implementation, examining the scholarly, historical, and policy texts of the RTE legislation and empirical studies focusing on its implementation was essential. This comprehension would also serve as the foundation for the following chapters.

In this light, the focus of this chapter is on the literature on the Right to Education as a concept, The Right of the Children to Free and Compulsory Education Act 2009 (RTE Act 2009), the implementation of the RTE Act 2009 in India, and the implementation of the RTE Act 2009 in Gujarat. Every topic contains several sub-sections providing a more profound analysis and insights to the study. While the chapter begins by laying a foundation for the academic backdrop of the study, it further proceeds to provides an analytical assessment of the literature included in the study's scope.

In addition to visiting the Smt. Hansa Mehta Library and the Center for Advance Studies in Education at The Maharaja Sayajirao University of Baroda, Vadodara, the researcher reviewed studies on various topics related to the current study from online databases and repositories like Google Scholar, Shodhganga, ResearchGate, Jstor, Google books, ProQuest, and Academia.

The several facets investigated in the cited studies were helpful in the production of tools. The design of many studies consisted of a blend of qualitative and quantitative research approaches, known as a mixed research design. It was determined that it would be appropriate for this investigation as well. A review of the relevant literature revealed that studies in the context of Gujarat do not demonstrate a comprehensive view of the implementation of the RTE Act 2009, including an assessment of the effect of the Act on the enrollment and dropout figures and an analysis of the conceptual model rules of the Right of the Children to Free and Compulsory Education Act, 2012, Gujarat from the perspective of good governance and participatory policy analysis. There needs to be more clarity, particularly in the volume of the administrative and empirical investigation conducted in the state, to look into how the various state regulations are being implemented.

Consequently, when analysed from the perspective of public policy implementation, this chasm becomes even more apparent. In light of this, the current research seeks to address this gap by performing field-based research using a range of frameworks such as good governance, the A-4 framework, and the participatory policy model. It is accomplished through the examination of the many components of the implementation of the Act in the State utilising mixed techniques, as well as through the examination of the conceptual features of the Act.

2.2 RIGHT TO EDUCATION

The Right to Education is the foundation of this research. Hence, examining the literature on its evolution and development and further exploration in a multi-disciplinary context is imperative. Understanding the significance of the Rights-Based Approach to education is vital since the importance of education in several areas has strengthened the demand for national legislation on education as a right. The crusade for the right to education has benefitted from several studies and scholarly work, which suggests that education is an essential factor in several aspects. In this light, the researcher has reviewed several works like International Declarations and Conventions, scholarly works of Balestrino et al., 2017; Becker & Woessmann, 2010; Cipolla, 1969; Brock & Alexiadou, 2013; Galor, 2005; Murtin & Viarengo, 2011. This chapter also explores writings on the significance of education in the academic and policy context across disciplines, along with a brief historical sketch of compulsory education policy across the globe. The discussion on the significance of education is done in a multi-disciplinary context focusing on the works of (Drèze & Sen, 2002; Robeyns, 2006). Because the RTE Act is a relatively recent effort, it is essential to gain a complete understanding of it as soon as it is put into effect. Therefore, some conceptual studies done before RTE legislation and specific investigations carried out in 2010 — over a decade ago — have been included in the evaluation, despite the possibility that these studies do not satisfy the recency criterion for review.

2.2.1 ERA OF COMPULSORY EDUCATION

After examining the historical and scholarly works, it can be inferred that in earlier times, education was referred to in the context of compulsory education policies worldwide. History shows that when education policy was first implemented in Germany, France, the UK and the US, it was based on free, mandatory public schooling paid for by public funds. This free-mandatory schooling is still the basis of education systems in the West today (Balestrino et al., 2021). Several scholars have pointed out the reasons behind introducing compulsory education policies. The various rationale behind introducing compulsory education policy helps us understand the shift in the perspective of education globally. In Prussia, the compulsory education policy was introduced in the year 1763, and it essentially resulted in the protestant movement (Becker & Woessmann, 2010). The main goal of France's compulsory education

policy in 1881 and Italy's compulsory education policy introduced in 1861 was the necessity of creating laws that required everyone to go to school since it was considered necessary for creating a nation-state (Cipolla, 1969).

In Japan, the compulsory education policy was introduced towards the end of the 19th century, particularly after 1886, when Japan opened up to the West. The need to modernise the traditional Japanese society was felt. It pushed the government to make schooling mandatory (Balestrino et al., 2021).

In the United States of America, by 1630, the Massachusetts Bay Company had passed a law to use local taxes to fund public elementary schools to provide religious education to the community's children (Brock & Alexiadou, 2013; Rickenbacker, 2001). Even though it was initially only available to a select few, the colony pioneered this form of publicly funded education. However, it was only in the Education Act of 1870 that the British government made education a legal requirement for all citizens. Hence, by the end of the 19th century, the UK and the US passed laws requiring all citizens to attend school. Compared to other Western nations, UK and USA saw a slight delay in introducing compulsory education policies. There are several explanations behind this. For example, one of the causes is the need for cheap child labour. Education was made mandatory only when a literate workforce was required due to technological advancements (Galor, 2006). Then, it might be necessary to compel parents who stand to gain financially from their children's labour or contribution to household production to send them to school (Balestrino et al., 2021; Cigno, 2012). Furthermore, Bandiera et al. (2015) have also argued that in the USA, one of the crucial reasons behind introducing compulsory education policy was to instil civic values in the migrants to facilitate the nation-building process. By the end of the Second World War, most European countries had introduced mandatory education policies either to facilitate the nation-building process or to create a skilled workforce to meet the requirements of industrialisation and general production (Murtin & Viarengo, 2011; Balestrino et al., 2021).

2.2.2 EMERGENCE OF RIGHTS-BASED-APPROACH TO EDUCATION

Following the Second World War, the era of the Rights-Based Approach emerged, which resulted in the transformation of the idea of 'compulsory education policy' to 'right to education'. The earliest reference to the right to education can be found in the United Nations documents and subsequent international and regional conventions. Normative frameworks

such as the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1990), the UNESCO Convention against Discrimination in Education (1960), and UNICEF have been crucial in upholding the right to education. These frameworks have broadened the scope of the Right to Education by including the rights of all children irrespective of their socioeconomic, cultural and political constraints. At the policy level, the right-to-education model is most directly associated with the Education for All (EFA) movement. The rights-based approach focuses instead on creating inclusive educational systems that defend all students' human rights, making education's economic consequences irrelevant. The rights-based perspective emphasises the duty of the government to ensure that all citizens have access to education (Tomasevski, 2003; Klees & Thapliyal, 2007; Craissati et al., 2007). While evaluating Katarina Tomasevski's work on the Right to Education (2003; 2006), Klees & Thapliyal, in their article 'The Right to Education: The Work of Katarina Tomasevski' (2006) have used Tomasevski's conception of Right to Education and its significance as a 'multiplier right' which leads to the realisation of other rights, which becomes the argument for moral and legal obligation on the state to guarantee this right to its citizens. Their notable work titled 'A Human Rights Based Approach to Education for All' (Craissati et al., 2007) has documented the history of the right to education, international commitments to achieving it, and essential facets of a rights-based approach to development are all covered in this text. They have argued that the right to access education, the right to high-quality education, and the right to respect in the learning environment are three interconnected and interdependent dimensions embodied in the conceptual framework for the rights-based approach to education. Additionally, they highlight the significance of the responsibilities of the state and examine the rights and obligations of various parties involved, including parents, communities, teachers, civil society organisations, and the larger international community.

These educational strategies offer different perspectives on what education should accomplish and who should be involved in delivering education. The right to education has drawn criticism for making high promises without mentioning who is in charge and for being essentially rhetorical. States might also be worried about the costs of enacting such a right. Therefore, there needs to be more clarity surrounding rights-based discourse and how it applies to improving education (Robyens, 2006; Greany, 2008). Robyens (2006) has highlighted five roles that education may serve and examined three different educational models, including the capacity approach, the human capital theory, and rights discourses. He contends that the human capital strategy needs to be revised since it is purely instrumentalist, fragmented, and economic.

As multidimensional and complete models, rights and capabilities models can account for education's intrinsic and non-economic functions. However, they also have some drawbacks, depending on how one fills out the specifics of the rights and capacity frameworks. He contends that increasing people's capabilities should be the fundamental goal of educational policy and that rights discourses should only be used strategically—that is, when they are most likely to increase people's capabilities.

Further, According to Greany (2008), utilising a rights-based approach to education presents significant issues regarding universal rights and how they are contested and negotiated locally. He has examined the Rights Based Approach to Education in the context of rural girls' education by drawing on field research employing a rights-based approach to education in rural Niger. In addition, he contends that gender disparities interact with various historical contexts, economic marginalisation, political subjugation, and cultural hierarchies to influence how both boys and girls experience school.

2.2.3 DIVERSE APPROACHES TO EDUCATION

This shift of perspective to education as a right resulted in gaining the attention of statesmen, scholars and policymakers globally and at the regional level. A plethora of literature can be found on education. Several studies linked education with social, economic, political and cultural factors. These studies acknowledge the significance of education in general and its impact on other aspects of life, and they acknowledged that education could play several roles (Drèze & Sen, 2002) and provide an "intrinsic satisfaction" of learning new things (Robeyns, 2006, pp. 69-84). According to Dreze & Sen (1995), education should help students enhance their capacities.

In this, education can play a dual role. First, it can be an effective tool that enhances opportunities and capacities—second, using education to improve judgement in choosing how to use abilities. They contend that there are both intrinsic and practical benefits to education. Hence, education is regarded as one of the most effective means of eradicating poverty, minimising inequality, and fostering long-term economic prosperity. To some extent, economists, academics, and other professionals worldwide concur that education is essential for establishing a good quality of living and sustaining economic growth (Lucas, 1998; Barro, 2013).

Drèze (2005) has further suggested that the interest in education in development economics began with understanding the significance of "human capital" for economic progress. Statistics revealed that the stock of machinery, plants, tools, and other forms of physical capital—which together account for a tiny portion of the total growth rate of various economies—explained just a small portion of this growth. The idea of human capital—the combination of education and talent that people possess—helped to explain why certain economies progressed more quickly than others. For instance, it is evident that high levels of investment in human capital, particularly the early extension of primary education, contributed to the high growth rates of tiger economies. Numerous studies on the "economic returns to education," or the contribution of education to raising income levels in a nation or household, have been conducted due to this realisation. It was assumed that investing in education would pay off through increased incomes. However, these studies demonstrated that educational investments often yielded more significant economic returns than physical investments. In other words, investing in one's education was among the most innovative moves one could make. Additionally, it was discovered that the economic benefits of primary education outweighed those of higher education by a wide margin.

Studies that viewed education primarily from the economic lens were classified under the 'human-capital approach' (Becker, 1975; Schultz, 1963) or the 'economic-instrumentalist approach' (Menashy, 2013), which argues that education enables an individual to acquire skills and knowledge which are essential for enhancing a person's income-generating abilities, and also strengthen the nation's economy. According to Schultz and Becker, labourers who invest in learning new skills become capitalists and owners of their human capital, which has an economical worth. As a result, human resources should be officially considered a type of capital. Schultz (1971) has further argued that investing in people is a method to create new sources of income, just like investing in real estate. For him, investing in human capital development includes a significant measure of education. The "Human Capital Approach for Development" is a product of Schultz and Becker's work, which created an empirical theory of human capital and examined the rate of return on educational investments.

Several scholars subsequently used this approach have used this approach to conduct studies on education, examining it in the context of market and investment (Gillies, 2015; Cremer & Pestieau, 2006). Moreover, several studies have adopted the human capital approach to examine the national education policy of many countries (Holden & Biddle, 2017; Quiggin,

1999; Zhao, 2008). However, the human capital theory is criticised on many grounds (Tan, 2014; Marginson, 2019; Robeyns, 2006). Furthermore, it is imperative to examine education from the lens of capability approach (Drèze & Sen, 2002; Unterhalter, 2003; Alkire, 2002; Nussbaum, 2003; Robeyns, 2003) which essentially argues that being knowledgeable and having access to education allows a person to flourish, which is a valuable capability. However, being well-educated can also be instrumentally crucial for expanding other capabilities, such as self-organisation and self-awareness.

2.2.4 RELATIONSHIP BETWEEN EDUCATION AND OTHER VARIABLES

The importance of education in various contexts and its value as a multiplier right have been studied in numerous studies (Tomasevski, 2006; Davis & Davis, 2019). According to Tomasevski (2006) has argued that the value of the right to education extends far beyond education itself. Those who lack education cannot exercise many individual rights, particularly those related to employment and social security. When the right to education is successfully secured, education acts as a multiplier, improving the enjoyment of all individual rights and freedoms while denying access to many rights and freedoms in situations where the right to education is denied or violated. Thus, education, a right in and of itself, allows people to exercise their other freedoms and rights. It is significant from the perspective of those who are a part of the underprivileged sector of society. In this setting, gender concerns are heavily discussed concerning education. Several studies have looked at the connection between education and women's empowerment and made the case that education is crucial in helping women overcome hurdles to discrimination, inequality, and vulnerability in all walks of life (Nussbaum, 2000, 2004, 2006; Ojobo, 2008; Sundaram et al., 2014; Walker, 2014; Shetty & Hans, 2015). Nussbaum (2000, 2004, 2006) argues that education is a necessary precondition for addressing many of the issues that women experience globally, such as abusive marriages, preliminary work, and poor health, which limit women's capacities to engage in citizenship practises. She thus promotes literacy and education for women. Similarly, Walker (2014) Walker has maintained that there is an identifiable connection between capabilities and education and that education capabilities for girls and women are non-negotiable since they significantly advance gender justice.

Further, health and education are also discovered to have a considerable positive, significant link. Numerous studies have found that higher educational attainment, directly and indirectly, improves health by providing access to better employment and economic conditions. Further

education is also associated with health determinants like health behaviours, risky environments, and the use of preventative services (Leigh, 1983; Ross & Wu, 1995; Feinstein et al., 2006; Cutler & Lleras-Muney, 2012; Brunello et al., 2016). Studies have also argued that there is a positive relationship between education and fertility rates (Axinn & Barber, 2001; Monstad et al., 2008; Samari, 2019), which is very important in the context of countries facing the issue of population explosion.

Further, scholars have also examined the relationship between education and poverty (Tilak, 2002; Raffo et al., 2007; Ladd, 2012; Tierney, 2015) and argued that education plays a vital role in the fight against poverty since it can improve the capability and income generating capacity of people. Furthermore, studies have also been conducted examining the impact of education on crime (Ehrlich, 1975; Lochner, 2020; Groot & Brink, 2010; Bell et al., 2022), examining education and its potential role as a crime-fighting strategy and crime reduction, and some studies have specifically focused on the effect of early childhood education and crime (Silva-Laya et al., 2020).

While these studies have played a crucial role in making national governments and international organisations pledge to support the right to education to achieve development objectives globally, they still need to provide a conceptual analysis of education.

2.2.5 RIGHT TO EDUCATION: CONCEPTUAL EXPLORATION OF THE IDEA

The Rights-Based Approach, which recognises education as a fundamental human right, is where one can find the conceptual investigation of the idea of education. As was it was indicated earlier, this was accomplished by the United Nations through many treaties and declarations, like the Universal Declaration of Human Rights (UDHR) 1948. However, they did not clarify what they meant by "education" when they talked of the "right to education," other than to emphasise that everyone had the right to attend primary school (Spring, 2000). In this light, several scholars have focused their work on providing a normative-conceptual framework within which the idea of the Right to Education can be located and further defined (Spring, 2000; Nowak, 2001; Coomans, 1999 & 2004; Friboulet et al., 2006; Tomaševski, 2008; McCowan, 2010).

The UDHR was subjected to a critical analysis by McCowan (2010), who also criticised it for placing too much emphasis on primary education. He suggested an alternative of two

autonomous rights for education, or two different facets of the right to education, meant to be a set of directions for how the right to education should be expressed rather than a formal legal definition of the right.¹ The right to participate in educational processes that uphold respect for human rights and are both 'intrinsically' and 'instrumentally' valuable. 2. The right to participate in educational programmes and gain experiences that provide a competitive advantage.

Even though it has been known for a very long time that the right to education is one of the most fundamental of all human rights, the majority of development programmes that aim to expand children's access to primary education have been categorised as goals for development rather than as rights (Tomasevski, 2003). Hence, as a direct consequence, the practical benefit of conceiving education as a universal human right has been rendered null and void (Anderson, 2006). Several other studies have focussed on the content and nature of the right to education. A vital characteristic of the right to education, according to Coomans (1999), is its dual nature. On the one hand, it gives people a legal claim against the government for acquiring an education, but on the other, it also includes a freedom dimension. Nowak (1991, 2001, 2017) has concentrated on defining the right to education, its importance, and its limitations in the context of various international conventions and declarations. He has further argued that there is no issue with the right to education's justiciability because numerous mechanisms exist.

According to Spring (2000), it is exceedingly challenging to defend and implement the right to education without a general reason and a universal concept of education as defined in this right. He, therefore, concentrated on developing a concept of the right to education and a universal rationale for it within the context of human rights, literacy, numeracy, cultural centeredness, and moral economy.

The concept of the Right to Education was enriched further through the theoretical explorations of the definition, its implementation parameters and its applicability module. The acknowledgement that the right to education is an essential component of human growth and dignity rather than merely an additional or subsidiary right led to the establishment of four parameters: acceptability, adaptability, availability, and accessibility can be used to measure it (Friboulet et al., 2006; Tomaevski, 2008). International and regional organisations recognise these parameters, and they serve as a vital instrument to measure the implementation status of RTE in various countries. In the present research, these parameters have been used as a framework for the normative analysis of the Right to Education Act 2009.

2.3 COMPULSORY EDUCATION POLICY: THE MISSING ELEMENT FROM INDIAN POLITY

The West's emphasis on compulsory education laws never caught on in India. It has multiple explanations. Compulsory education is a sensitive political issue, and its implementation is more complicated than policy adoption, particularly in remote places with low institutional capability. The State may struggle to meet compulsory schooling requirements. Moreover, political conflicts are over ethics and budgets too (Hodgson et al., 2018; Tan, 2010). It is also known that mandatory education drains government funds. Recent educational policy reform in India withdrew the entitlement to free and compulsory education from age three to eighteen due to the financial load on the state. Although education was made part of the Directive Principles of the State Policy of India's constitution, government funding remained a concern. Drèze and Sen (1995) even argue that India's new democratic system's concentration on economic growth neglected necessities, particularly for women and other underprivileged groups. Drèze and Sen (1995) explain that India's new democratic system prioritised economic development. After independence, public resources were not prioritised for social development, including education, healthcare, and others, and they argue that this could be the government's worst infringement on human rights.

Another engaging narrative of the lack of compulsory education policy in India comes from the seminal work on the Indian education system by Myron Weiner (1991). His work was written when India was yet to enact the Right to Education Act and was home to the world's most significant number of non-school-going working children. Weiner attempts to explain why India's policies towards children in education and employment are different from those in other countries. Weiner argues that the belief systems of the state bureaucracy, i.e. a set of beliefs widely shared by educators, social activists, and trade unionists, are a more relevant explanation than India's low per capita income and economic situation. Thus, Weiner suggests that the Indian view of the social order, notions concerning the respective roles of the upper and lower social strata, the role of education as a means of maintaining differentiations among social classes and concerns that 'excessive' or 'inappropriate' education will disrupt the social order are responsible for the lack of compulsory education policies.

The competing explanations are:

- schools do not adequately train the children

- that the children of the poor should work rather than attend schools that prepare them for 'white collar jobs
- education of people experiencing poverty would lead to increased unemployment and social and political disorder
- children of lower classes need to work with their hands rather than their heads. School dropouts are a consequence, not a cause, of poverty

The social activists believe that people experiencing poverty have a right to employ their children. However, some of them are so hostile towards the schools for their failure to adequately educate children that they are sympathetic towards parents who remove their children from school, even though this means that children will remain illiterate. Child labour can be ended when the government improves rural employment, the household sector grows, and schools improve. Thus they believe that fundamental structural changes are necessary for significant improvements to be brought about. Weiner concludes that in this respect, the social activists share the views of Marx, where in a capitalist society, exploitation continues. However, Weiner argues that this argument put forth by social activists implies that the state should not force parents to get their children to attend school. Also, they fear that if child labour is abolished, the small-scale industries will no longer be competitive.

However, once education policies are made compulsory, school authorities may force parents to obey the law. There will be a shift in the idea of education as a duty, and when this idea percolates, the law will require parents to send their children to school. It will also pressure the government to provide blackboards and chalk. The attitude of parents will change when they view their children as an investment. Also, once children are removed from the labour force, industries will be forced to become competitive through technology. It will change the characteristics of the labour market. Hence, Weiner argues that the explanation provided by the social activists cannot explain the puzzle he is interested in.

Although this work does not directly deal with the Right to Education, it provides significant insights into the various social and cultural factors in the bureaucracy that influence educational outcomes. They are essential even in current times and must be addressed to ensure proper implementation of the Right to Education Act 2009.

2.3.1 MAJOR POLICY INITIATIVES BEFORE RTE ACT 2009

Several studies have captured the picture of the Indian education system before the legislation to make education a fundamental right was passed in India. These studies cover the government structures and policies and show their impact (Tilak, 1995; Aggarwal, 2002; Mohanty, 2002; Mehta, 2007; Kumar, 2006; Mukhopadhyay, 2009; Sharma & Ramachandran, 2009; Ramachandran, 2009; Kumar & Rustagi, 2010). The studies show that the Indian government has implemented several programmes to support education. For example, the National Education Policies of 1968 and 1986 introduced many programmes to increase student retention and primary education enrollment. Two examples of these programmes are the District Primary Education Program, administered by the World Bank, and Operation Blackboard, launched in 1986 to upgrade the facilities of primary schools to encourage more children to continue their education (DPEP). This multi-state, district-based programme was started in 1993–1994 to ensure all kids could attend elementary school. It was a significant undertaking to improve educational opportunities for all children. In addition, the Education for All Campaign (Sarva Shiksha Abhiyan, or SSA), launched in 2001, has been central to the Indian government's initiatives to enhance elementary education. People started to pay attention to the quality of education being offered once the SSA was passed (Kidwai, Burnette, Rao, Nath, Bajaj, & Bajpai, 2013).

However, the UNICEF World Summit for Children and the Education for All Conference, which took place in Jomtien, Thailand, in 1990, brought about a significant shift in global awareness of the need for improved educational access. India also endorsed the Millennium Development Goals (MDG) Summit's and the Dakar World Education Forum's call for universal access to education in this context (Tilak, 1995).

2.3.2 EDUCATION IN INDIA AFTER THE RTE ACT OF 2009

The RTE Act passed in 2009, brought about a significant paradigm shift in how primary education was delivered in India. (Kidwai et al., 2013). Education has become a public issue that voters care about," and "the media has started to pay greater attention to what happens in India's schools and how the system may be expanded and improved. For the first time, the law mandated that governments ensure that all kids, regardless of the socio-economic standing of their families, have equal access to educational opportunities. As a result of this new legal

precedent, the focus has moved to include both broadening participation in educational opportunities and enhancing the standard of education overall (De et al., 2011).

2.3.3 RTE ACT 2009: CONCEPTUAL ANALYSIS, IMPLEMENTATION ISSUES AND CHALLENGES

There is a plethora of literature on the RTE Act 2009. Studies of various kinds are carried out, some of which concentrate on the conceptual analysis of the Act, some on the examination of specific provisions of the Act, such as clause 12(c), and others on the general implementation of the Act in the various regions of the nation.

2.3.4 RTE ACT 2009 AND A-4 FRAMEWORK

Some studies have used Katarina Tomasevski's A-4 framework to study the Act while conducting a conceptual examination of it. According to studies, the transversal or overarching ideals that form the basis of the 4A Framework are non-discrimination, equal opportunity, accountability, transparency, and participation (Thapliyal, 2012). They can be used to monitor the implementation process and assess whether or not the outcomes are consistent with the purposes of human rights. They can also be used to decide whether or not changes should be made to the system (institutions, policies, inputs).

2.3.5 PROVISIONS OF RTE ACT 2009

Early studies on the RTE Act 2009 that focused on analysing its provisions argued that the Act contains numerous notable visions for enhancing education access and equality. However, it needs more viability and clarity in defining which children are eligible for the uptake of freeships (Jain & Dholakia, 2009; Mittal & Shah, 2010; Jha et al., 2013). Some early studies also indicated that enforcing its provisions may be challenging. One of the main reasons behind it was the availability of financial resources (De et al., 2011; Kidwai et al., 2013).

Further, some studies have also expressed concerns regarding the fact that the provisions of the RTE Act 2009 may not be in complete compliance with the United Nations Convention on the Rights of the Child (UNCRC), in addition to the fundamental values of social justice and equality (Sadgopal, 2010; OHCHR, 2013).

According to a study which reviewed the Right to Education Act's regulations in the state of Karnataka (Bhattacharjee & Mysoor, 2016), scholarly discussions on India's right to education have mainly concentrated on analysing the right's content while paying little attention to the structures and institutions responsible for upholding it. The study pointed out numerous agencies handle complaints and have conflicting legal responsibilities. The regulations establish a separate grievance redress mechanism mainly composed of the officials who may be the target of complaints.

Further, the provision of 25% reservation for children belonging to socially and economically disadvantaged sections of society under 12 (c) of the Act has been contentious. Some studies have pointed out that (Kaushal, 2012) it is causing psychological insecurity to children from disadvantaged backgrounds. The study further claimed that some private schools are raising capitation fees despite the cap, the fact that the teacher-to-student ratio needs to be maintained, the fact that teachers need to receive the necessary training, and the fact that both quality and quantity are not being maintained.

In the context of the overall feasibility of the implementation of the Act, a study (Sinha & Verma, 2014) pointed out that a few provisions of the Act make be challenging to implement, particularly the neighbourhoods criterion that mentions that the school should be within 4 km of the residence of the child. In slum areas, good schools may not be available in the neighbourhood. Thus, parents have only two choices: To make the child sit at home and let him/her remain illiterate or to spend an exorbitant amount on the daily commute. The amount the government proposes to reimburse is the same as the cost it incurs in the government schools per child, which is very nominal. Moreover, the Act does not explicitly mention whether the entire amount incurred by the school towards the education of the underprivileged would be transferred monthly, quarterly, half-yearly or yearly. Further, the Act does not stipulate the eligibility criteria for the selection of the candidate, i.e. it does not talk about the parents' income levels and, after that, the child's eligibility. Therefore, anybody can use unfair means to get the benefits of the Act even though they may not be eligible.

2.3.6 RTE ACT 2009, GIRL'S EDUCATION AND GENDER ISSUES

Further, a few studies focused on the issue of gender discrimination and lower participation of girls in school, which required good political will, particularly at the local level (Brock & Cammish, 1997; Mehendale et al., 2015; Srivastava & Noronha, 2016).

Some studies (Devi, 2015; Mobar, 2015) have examined the Right to Education Act in the context of the Kasturba Gandhi Balika Vidyalayas and girl child education and explored girl child education, quality and equity, problems and opportunities, and RTE's effect on enrolment and retention. The studies claim that under the Right to Education Act (RTE), the government provides Kasturba Gandhi Balika Vidyalayas ¹ (KGBV), and the KGBVs have been able to offer the girls from underprivileged areas of society not just education, food and accommodation, stationery and toiletries, but also a significant advantage. Once they leave the KGBV centre, they will be independent and capable of making their own decisions thanks to the training and knowledge they acquired there. In addition, they receive ongoing instruction in character development. The KGBVs are succeeding in giving free education and vocational training to girls from underprivileged and marginalised groups of society because they have trained and qualified employees to care for the girls. The RTE Act tries to close the social and cultural divide between males and girls. The Human Resource Development Ministry, Labor Ministry, Women and Child Development Ministry, Panchayati Raj Ministry, and Rural Development Ministry must collaborate to implement the RTE Act successfully. All these organisations should come together under one roof to work toward a single objective.

To successfully implement the RTE Act, the government must make every effort to become self-sufficient by employing the education cess and other taxes. The availability of special residential and non-residential education centres for out-of-school and migrant children, restrooms for girls and people with disabilities, and the availability and usage of computers have all been made possible by the RTE Act. When these difficulties are overcome, the RTE Act's implementation will be successful and have a good effect on the populace. All socio-economic inequalities must be eliminated to make this Act successful.

2.3.7 THE RTE ACT 2009 AND QUALITY EDUCATION

¹ According to MHRD, the KGBVs are upper primary residential schools for girls from Scheduled Castes, Scheduled Tribes, Other Backward Classes, and minority communities. KGBVs are established in educationally backward blocks where female rural literacy is below the national average (46.13% as per Census 2001), and the gender gap in literacy is above 21.67%.

The quality of education has also been a controversial issue since the RTE Act 2009 was passed. Several studies pointed out the dismal state of the quality of education being provided in primary schools, which makes the quality of education a critical area under the RTE Act 2009 (Kaushal, 2012; Ojha, 2013; Sarangapani et al., 2013; Biradar & Swadi, 2014; Mehendale, 2014; Pandey, 2018). A few scholars (Kidwai et al., 2013) have argued that while the focus of the RTE Act has been mainly on improving the enrollment rates in school, the quality of education has been neglected, and if this gap is not bridged timely, it may reserve the progress made to this point. A recent study has pointed out that although RTE Act has achieved success in overall enrolment rates but has faced criticism for administrative and structural lapses. Several provisions still need to achieve their intended effect of significantly improving the quality of learning. While some provisions have failed due to implementation hurdles, others need more coordination and a paucity of funds or delay in allocation (Bhattacharjee, 2019).

2.3.8 RTE: EMPIRICAL STUDIES

Anderson (2006) conducted some of the earliest empirical research on the nation's education policies in Madhya Pradesh. It was done before the state implemented the RTE Act. However, the study provided important information on how the Right-Based- Approach to education was desirable and could be implemented. According to the study, Madhya Pradesh was a prime illustration of the practical benefits of using a rights-based approach to development programming. The study further argued that The Education Guarantee Scheme (EGS) would enable people to become active agents in articulating their needs by acknowledging them as subjects with claims rather than as objects of welfare or development agendas. Additionally, because the State is held to a precise level of accountability as the duty bearer, this encourages improved accountability on the side of the State, leading it to ensure the timely realisation of the right-holder's claim. The study also pointed out some issues that need attention, particularly in addressing the demand-side factors that contribute to educational exclusion (which disproportionately affect children from disadvantaged backgrounds, such as girls and economically disadvantaged children) and ensuring the quality of instruction in EGS schools. However, the study argued that these issues might be resolved by progressively integrating human rights norms within the Scheme

Another noteworthy feature is the Right to Education Act of 2009's emphasis on the physical infrastructure. The need for private schools to adhere to these standards led to significant

disruption and the closure of numerous private schools that still needed to meet the standards for physical infrastructure. In this context, the ground-breaking research by Tooley and Dixon (2005) sheds light on the calibre of education provided by private schools in this setting. This survey revealed 918 schools in low-income areas, of which 320 (34.9%) were government-run, 49 (5.3%) were privately aided, and 549 (59.8%) were private unaided. The study was done in Hyderabad, Andhra Pradesh. The study also administered tests to students in private and public schools in Hyderabad and discovered that the average math and English scores in private, unrecognised and recognised schools, respectively, were 22% and 25% higher than those in government schools (80), with the advantage in math being even more significant. The study concluded that private unaided schools performed better academically and had lower teacher costs than government-run institutions. His research team made similar findings in China, Ghana, Nigeria, Kenya, and other regions of India. They supported what Tooley had observed in Hyderabad—namely, that most economically disadvantaged children attended unrecognised, unregulated schools in urban and semi-urban areas. Surprisingly, these institutions frequently outperform public schools.

Some empirical studies have been carried out to analyse the implementation of the Act in various parts of the country. In Uttarakhand, an empirical study micro-study (Bisht, 2015) collected data from 190 schools across 12 Cluster Resource Centres (CRC) in Bhimtal Block, including 14 schools in Nainital City's metropolitan region, which served as the study's data source. The study covers the Block Resource Centre (BRC) public schools in Bhimtal up to the middle level (8th grade). According to the study's findings, the enrollment rate for students aged 6 to 14 has consistently exceeded 99% and, in some cases, 100%. The enrollment rate did not significantly differ by caste or gender. Discussions found that the free education offered under RTE has helped to boost the enrolment rate, especially among low-income households. Even though the enrollment rate has increased, educational quality still needs to be improved. Random interactions with the kids in the research region revealed that learning transfer was only moderate, and 37% of the kids examined (out of a sample of 30) could not accurately and fluently read simple texts and perform simple mathematical sums. The report also notes that the overall percentage of children aged 6 to 14 who were not enrolled in school was less than 1%, primarily due to the presence of children with special needs (CWSN). These Special Needs Children are covered under a home-based education intervention programme, where the child attends school at home while receiving a monthly stipend of Rs 250 for their care from the family.

According to the report, PTR at government schools run by Bhimtal BRC ranged from 7.76 for Patwadangar CRC to 12.82 for Bhowali CRC, which is highly favourable. In the study area, there were typically 11 students for every teacher. Compared to the goal of 30 kids per teacher, this ratio is far better. It demonstrates that the number of teachers is around three times the desired quantity, primarily due to how easily accessible the schools run by Bhimtal BRC are. However, the situation is different throughout the entire Nainital area. According to data and discussions with stakeholders, the Nainital district's PTR was high (more students per teacher) in the remote (durgam) areas and low (fewer students per teacher) in the easily accessible (sugam) sections. This difference has made it extremely difficult to implement RTE's goals meaningfully and efficiently. Based on the findings, the study recommended that at the district level, PTR should be evenly distributed amongst schools in remote and accessible areas. The most critical component to increase the efficiency of RTE implementation is the placement of instructors in rural regions to achieve desired PTR. All schools should have infrastructure amenities, including clean drinking water, consistent power, and working restrooms. Teachers need to put in more effort to enhance the transfer of learning skills. For this, teachers should participate in ongoing training programmes at regular intervals. To dedicate their full attention to teaching to improve both the qualitative and quantitative aspects, teachers should not be given non-teaching tasks. Promoting computer-based teaching and e-learning techniques is a good idea. The RTE Act needs to be continuously brought to the public's attention.

With particular reference to the School Management Committee (SMC), Bhattacharya & Mohalik (2015) conducted a survey using self-developed interviews with 50 SMC members in 10 elementary schools to study the concerns of the SMC members. The study discovered that low enrollment and poor educational quality were primarily caused by parents' lack of enthusiasm for sending their kids to school. Providing high-quality primary education is hampered by teaching, according to those who think teachers' abilities need improvement. The most significant barrier to implementing continuous comprehensive evaluation in schools is this. The primary issue with poor and illiterate parents attending SMC meetings, according to 44% of SMC members, is their lack of interest. According to 48% of SMC members, the main issue with school development is their need for more awareness. According to 34% of school board members, lack of funding is the greatest challenge facing the creation of the School Development Plan 46. As a result, it is essential to clarify how the members of the school administration board and parents/guardians interpret the Right to Education Act 2009. SMC members must actively engage in all school-related activities, such as selecting students for

enrollment, encouraging enrollment, convincing parents to send their kids to school, and attending and engaging in SMC meetings. Build the school's infrastructure and ensure that the teachers report on time.

A similar study (Kar, 2019) examined school RTE compliance in Golaghat, Assam. The survey included 65 Lower Primary and Primary schools in Golaghat. The survey assessed Pupil-Teacher Ratio (PTR), school infrastructure, teaching-learning materials, teacher organisation, and lunch. The study found that most Golaghat schools followed the PTR as per the RTE Act (2009). However, 14 of 65 schools do not follow PTR. In addition, most schools met the criteria of physical infrastructure prescribed by the Act, like entrance ramp, fence and wire, bathrooms, and separate bathrooms for girls. However, most schools lacked separate classrooms, headmaster chambers, teacher staff rooms, computer labs, sports equipment, gathering areas, playgrounds, libraries, and separate toilets for disabled children.

State Education Authorities trained SMCs in most schools in the past year. Based on the findings, the study recommended building permanent walls rather than fences or wiring the authority with greater engagement. The existence of separate classrooms and basic amenities such as headmaster chambers, staff rooms for teachers, computer laboratories, sporting goods, and gathering areas suggests that further investments must be made to expand the schools' infrastructure to increase classrooms and basic amenities. They are avoiding classroom overpopulation. Construction ramps are needed for barrier-free access and child safety. The district's schools must also provide necessary adjustments for pupils with disabilities to ensure low standards do not hamper their education. Accommodations must be made for disabled children to ensure they can achieve their academic goals. The library's infrastructure must be upgraded so kids can easily access books, magazines, and newspapers. It is good that practically all Golaghat district schools have bathrooms, and they should keep it that way. A continuous water supply is needed to maintain classroom hygiene. Minors should not clean toilets either. Thus, sweepers and other workers must be hired for these chores. Making kids clean toilets could hurt their education and expose them to infections. The National Commission for the Protection of Children's Rights recommends that Golaghat schools frequently test their drinking water to prevent waterborne infections. Most schools need storerooms, wasting valuable supplies and posing a health risk. Create mid-day meal storage facilities to preserve supply. SMCs can attend training courses to learn about government regulations and other issues to monitor school administration properly.

In addition, numerous empirical studies on the Act's implementation have been conducted nationwide.

Research conducted in the Aligarh area (Shafeeq, 2016) examined how well-informed teachers were about the RTE Act and how its classroom regulations were implemented. Similarly, 200 male and 200 female primary school pupils participated in a descriptive study in the tribal-heavy Balangir area of Odhisa (Majhi & Archaya, 2009). Data were analysed using the Mean, SD, and T-Test. The findings showed that there are gender differences in the right to education. Additionally, it was discovered that there are ethnic differences concerning the right to education. The study's final recommendations included the possibility of private school administrators threatening tribal parents with the expulsion of their children in the event of failure and forming a separate directorate for the welfare of Scheduled Tribes alongside several Ministries.

Another study by (Patra et al., 2017) compares the infrastructure amenities between Government assisted Primary Schools (GPS) and Private Primary Schools (PPS) in rural West Bengal, India, as well as the general circumstances of primary school education. Researchers in this study modified a descriptive survey using a self-made interview schedule and checklist that was based on the requirements of the RTE Act-2009. Results showed that government primary schools were significantly superior to private primary schools in terms of infrastructure setup and available human resources. Overall, though, the rural primary school's infrastructure fell short of the requirements for schools in the RTE Act 2009. This study will play an essential role in raising awareness among parents, school administrators, and other stakeholder groups about the deficiencies in primary schools and the necessity to fulfil every child's right, particularly in rural West Bengal.

Further, Mokale (2020) did a study to comprehend the application of the 25% reservation policy of the "Right to Education Act" and its actual situation in private schools concerning clause 12 (c) of the 25% quota for children from the disadvantaged committee. The study is centred on how RTE students perceive, experience, and comprehend academic problems. The researcher examined his parents' and teachers' experiences and viewpoints using narratives. The researcher used semi-structured interviews. Secondary data was gathered through student records, literature, published reports, journals, and periodicals, among other sources. Students from less advantaged and stable backgrounds are admitted under the RTE 25% reservation provision. These two sections of students need help with academic difficulties. These pupils

require specialised support to develop their abilities on a personal level and enhance their capabilities. Since most are first-generation students, it will take some time for them to become used to the school setting. As a result, we need to give them a high-quality education in addition to paying attention to student registration under RTE's 25% reservation policy process. Schools are equally vital in an equitable environment.

According to a recent study (Hammad, 2021) on implementing the Act in Delhi's Municipal Schools, the enrolment has increased after RTE, but the quality of instruction has declined. There is no doubt that RTE represents the government of India's commitment to all of its citizens and to providing free and required education to all children between the ages of 6 and 14. The government has successfully gotten nearly all pupils into education over the years by concentrating its efforts primarily on the primary stage of the RTE aim. However, as enrolment at the elementary level increased, quality continued to take a backseat. For children from disadvantaged sections to experience the joy of learning and be able to develop the abilities that are fundamentally necessary for them to become socially influential adults, more funding must be committed to increasing the quality of primary schools. More than 47% of students in the fifth standard need help to read novels even from the second standard. They are unable to figure out how to multiply and divide basic numbers. After four years of primary school, this is where the students stand. The standard of education has fallen as the number of schools and students has grown tremendously. It demonstrates that primary education is the area of concern that receives the most attention, but the quality of education receives very little.

2.4 RIGHT TO EDUCATION ACT 2009 IN THE CONTEXT OF GUJARAT

In the context of Gujarat, the primary focus of the third section of the chapter is on the Right to Education Act of 2009 (also known as the RTE Act of 2009). To accomplish this goal, it investigates the published material that provides information regarding the implementation of the Act in the state. However, in contrast to the last part, which was filled with a plethora of material, there needs to be more literature related to empirical studies that have been carried out in Gujarat and that investigate a variety of facets of the Act.

2.4.1 RIGHT TO EDUCATION: NARRATIVE OF GUJARAT

As was previously mentioned, few studies specifically address the RTE Act 2009 in the context of Gujarat. However, Gujarat has paid close heed to the 25% reservation condition. According

to a study (Ranganathan, 2019), a security guard would like to enrol his daughter, who is five years old, in a private school under the Right to Education Act (RTE). Private schools must reserve at least 25% of their seats for children from disadvantaged and economically poorer parts of society, according to Section 12 (1) (c) of the RTE Act. This example can be used to spark discussion in the classroom in a course on e-governance, ICT for Development, or technology deployment/digital service delivery in underdeveloped nations. It aids students in developing an evaluation framework for evaluating an e-governance solution for the underprivileged and using that framework to evaluate critically the digital solution for the RTE programme developed by the Gujarat government.

Section 12 (1) (c) of the Right to Education (RTE) is the subject of another study (Sarin et al., 2015), which contends that the provision imposes a legal obligation on unaided non-minority private schools to admit at least 25% of their students from economically and socially disadvantaged backgrounds in the entry-level classes. This piece is based on a thorough research called "State of the Nation Report: RTE Section 12 (1) (c)," which examines the monetary, administrative, and legal aspects of Section 12 (1) (c). The report concludes that state governments have yet to do much to facilitate its successful implementation and still have significant ambiguities in the modalities. An early study (Lakshmi, 2014) on the analysis of the Act was done in the framework of inclusive education in the state and explored the efforts made by the Gujarat government and the teachers to make education inclusive in Gujarat. It also highlights innovative practices state governments adopt and suggests improving their implementation. According to the study's findings, instructors' attempts to enhance students' health positively impact how long they stay in the educational system. In addition, the teachers boosted student retention in the classroom, increasing the quality of instruction by helping students develop their life skills and connecting their learning with the skills needed daily. Activities include starting a school newspaper, for which the students are solely responsible for gathering the articles to sending the paper to nearby schools, establishing street-smart peer-based learning groups, organising the content quiz in the format of Kaun Banega Crorepati, teaching work-based skills like (bookbinding, making paper bags/pen stands). These admirable efforts by instructors demonstrate that implementing inclusive practises in the classroom only necessitates a little time and effort on the part of the teachers. Instead, we already have an attitude that supports inclusion in education; all that is needed is to express it and put it into action.

A study was conducted (Singh, 2017) to comprehend how Gujarat's 2009 RTE Act provisions were implemented. The study used normative surveys and in-depth research designs. Gujarati districts and schools were chosen through purposeful sampling. However, respondents were chosen by stratified random selection. From a total sample of 30 schools in the state, 300 respondents from various groups were chosen. There has been chosen a region in each area of Gujarat. The study's conclusions showed that certain schools had inadequate training resources for young students in various subjects. Most schools have wheelchair-accessible ramps. Regular teachers are not trained in the area of disabilities. Currently, no specialised instructional resources are available for children with disabilities, especially those visually impaired.

Particularly concerning Vadodara city, a study (Chauhan, 2021) examined the socio-economic status of 25% reservation clause recipients under the RTE Act 2009 and their school engagement. It looked at the socio-economic backgrounds, academic and social involvement of RTE recipients in school, as well as the role of the school in creating a supportive environment for them. The researcher used the descriptive survey research design. The study hypothesised that the socio-economic background and educational setting of RTE recipients would influence their participation in school. All of the beneficiaries admitted for the academic year 2013–2014, and their teachers, principals, peers, and parents, make up the study's population. The sample was the entire population. Proforma, document analysis of school records, non-participant observation in and out of the classroom, and semi-structured interviews with beneficiaries, peers, teachers, the principal, and the beneficiaries' parents were the instruments utilised for data collection. The content and frequency analyses were performed on the data that had been gathered. The study concluded that the beneficiaries' level of school engagement is influenced by their socio-economic status and the educational setting.

A recent study (Gohil & Kanzaria, 2022) compared teachers' knowledge levels from government and private schools in the Gandhinagar district regarding several aspects of the RTE Act 2009. In the current study, 200 instructors of public schools made up the sample. In addition, the researcher used 34 multiple-choice items from a self-made questionnaire. The study discovered that teachers from public and private schools differ significantly.