

## **Right to Education: Leads to Betterment**

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**ABSTRACT :** *In an Article 45 of Independent Indian constitution a Directive principle promising free and compulsory education for all children until they complete the age of 14 years. It becomes a key which will open the doors of opportunities for tomorrows India .the development and dream of literate India becomes possible only after the fulfillment of educational need to all in general. Perhaps Right to Education was to be attained within 10 years. But the state that was responsible for implementing the constitutional promise of free and compulsory education for all children up to the age of 14 years could not do so for next 5 decades. In the 60th year of India became Republic, on the 27th day of August 2009, Right of children to free and compulsory education act 2009 was notified. It is to be even said that education is a basic necessity for all the people and being a student of sociology I realize that “Society can only grow until and unless we grow our Mind”.*

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### **I. INTRODUCTION:**

The right to education is a universal entitlement to education, recognized in the international covenant on Economic, social and cultural rights as a human right that includes the right to free, compulsory primary education for all. The right to education is a law in Article 26 of the Universal Declaration of Human Rights and Article 13 and 14 of the International Covenant on Economic, Social and Cultural Rights. On 26<sup>th</sup> January 1950 when Indian Constitution was reinforced, it had in its Article 45 a directive principle promising free and compulsory education for all children until they complete the age of 14 years. This was to be attained within 10 years. But the state that was responsible for implementing the constitutional promise of free and compulsory education for all children up to the age of 14 years could not do so for next 5 decades. In the 60th year of India became Republic, on the 27th day of August 2009, Right of children to free and compulsory education act 2009 was notified. Through 86th constitutional amendment, Article 21-a (part III) was inserted in the fundamental right section of constitution under which, “The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state may, by law, determine.

The path to the most sought ‘Right to Education’ was not as simple and easy. For understanding it in a better way, we will have to dwell into the history of Indian Education. During the Vedic period Education was the sole privilege of the priestly class (Brahmins) primarily. Because of the religious basis for the content of education, coupled with the elitist medium of instruction that was chose to impart the knowledge, people from lower castes, and so called ‘shudras’ (Untouchables), in particular, were barred from receiving education. Buddhism and Jainism overthrew the dominance of classical Vedic Education by the end of the eighth century AD, freeing education beyond the confines of hermitages. But still the education was not in the reach of common people. The Muslim rulers of the Indian subcontinent also did not consider education as a function of the state. It was perceived as a branch of religion and therefore entrusted to learn theologians called ‘Ulemas’. Therefore, in ancient and medieval India, education was interlocked with religion and was clearly not accessible to all persons. During the Colonial period, development of modern education system in the Indian subcontinent was reported. Although many scholars have remarked the British policy of introducing modern education as not a spontaneous benevolent act but were facilitated with a view to serving their vested interest, i.e. to train Indians as clerk, managers and other subordinate workers to staff their vast politico-administrative machinery. However, education of the Indian masses was largely neglected and by the beginning of nineteenth century, it was in shambles. In the early nineteenth century, Campbell, the then District collector of Bellary reported about the situation of education in his district that “it cannot have escaped the government that of nearly a million of souls in this district, not 7000 are now at school. In many villages where formerly there were schools, there are now none. ‘In 1856 AD a missionary stated that in India, a school, either government or missionary is as rare as a light house on our coast... three or four schools existing among three or four million of people. The neglect of education by the British was acknowledged by the Wood’s Dispatch. In the evidence placed before the Hunter Commission appointed in 1882, Dada Bhai Naoroji and Jyotiba Phule from Bombay demanded state sponsored free education for at least four years. This demand was indirectly acknowledged in the commission’s recommendations on primary education.

The Commission recommended that schools should be open to all castes and classes. In the first decade of 20th century Sir Chaman Lal Shitalwad and Sir Ibrahim Rahimatulla demanded strongly from the provincial government to compulsory education in the Bombay city. In order to pacify them an advisory committee on this issue was appointed in 1906. The committee declared forcefully that it was rather before time and hence impossible to start compulsory education in Bombay. On the contrary, Maharaja Sayaji Rao Gaekwad made this impossible thing possible by initiating compulsory Primary Education in 9 villages of Amroli district in his State of Baroda as a pre-test on in the year 1893 AD. After getting positive results, State of Baroda was first to introduce law on Compulsory Education in 1906. This law provided for compulsory education for boys and girls in the age groups of 7 to 12 years and 7-10 years respectively. The first documented use of the word right in the context of elementary education appears in a letter written by Rabindra Nath Tagore to the International league for the Rational Education of Children in 1908AD. In 1911 AD, Gopal Krishna Gokhale moved a bill for compulsory education in the Imperial legislative council, albeit unsuccessfully. The Legislative council of Bombay was the first amongst the provinces to adopt a law on compulsory education. Gradually, other provinces followed suit as control over elementary education was transferred to Indian Ministers under the Government of India Act, 1919.

The pace of this nationwide movement of compulsory elementary education slowed down or rather obstructed during the period between 1931 and 1937 AD. There were basically two reasons behind the event. First, the period of 1931-1937 was the period of worldwide economic depression and India was also directly affected. Secondly Hartog Committee (1929) suggested qualitative growth rather than quantitative growth of primary education. Secondly, hence the establishments of new primary schools were restricted. In 1937 AD, at the All India National Conference on education held at Wardha, Gandhi ji advocated the idea of self supporting 'Basic Education' for a period of seven years through vocational and manual training. This concept of self support was floated in order to counter the Government's constant excuse of lack of resources. The plan was to not only educate children through vocational training/ manual training by choosing a particular handicraft, but also to simultaneously use the income generated from the sale of such handicrafts to partly finance basic education. The next landmark development in the history of free and compulsory education in India was the post war plan of education development of 1944, also called the Sargent Plan, which recommended free and compulsory education for eight years (6-14 years age group).

After independence the Indian Constitution recognized the need of free and compulsory Education. Article 29 and 30 of the Indian constitution provide citizens the Educational and Cultural Rights. Similarly, Directives of state policy emphasized on intellectual development of the Citizens. Article 45 states that the state shall Endeavour to provide free and compulsory primary education to the children of 6-14 age group by 1960 AD. But due to resource crunch we have not been able to make this dream a reality for many further decades. The period spanning between 1950 to the judgment in Unni Krishnan's case in 1993 saw several developments. The Indian Education Commission (Kothari Commission) 1964- 66, reviewed the status of education in India and made recommendations. Most important amongst them was the recommendation of a Common School System with a view to eliminate inequality in access to education. National Policy on Education, 1968 was the first document evidencing Indian Government's Commitment towards elementary education. The policy dealt with issue of equalization of educational opportunity and required the common school system to be adopted in order to promote social cohesion. In 1975, during the Emergency, the central government put the responsibility of primary education on centre as well as state by putting primary education under 'Concurrent List' in an amendment (the 42nd) to the constitution. The school reformer Prime Minister Rajiv Gandhi, himself, decided in a military vocabulary to launch "Operation Blackboard" in 1986. Operation Blackboard was a centrally sponsored scheme, in which centre and state share responsibility for joint implementation. It was simultaneously a normative and remedial programme: it was to ensure that in future all standard 1- 4/5 (lower) primary schools adhered to the newly defined 'minimum essential' level of facilities; and it was to bring all existing schools up to that level. The Operation Blackboard package consisted of three independent Components of two rooms, two teachers and a set of teaching-learning aid. But the operation failed immensely in finance, logistics and overall implementation. National policy on Education 1986, while reaffirming the goal of universalisation of Elementary education did not recognize the 'Right to Education'.

The 'Right of Children to Free and Compulsory Education Act 2009' (RTE Act) came into 1st of April, 2010, with much fanfare and an address by Prime Minister Manmohan Singh. And now, under Article 21-A of the Constitution, every child between the ages of 6-14 has a fundamental right to education, which the state shall provide 'in such manner as the state may, by law, determine'. Early childhood care and education (for children in the age group of 0-6 years) is provided as a directive principle of state policy under Article 45 of the

Constitution. The RTE Act is a detailed and comprehensive piece of legislation which includes provisions related to schools, teachers, curriculum, evaluation, access and specific division of duties and responsibilities of different stakeholders. Key features of the Act include:

- [1] Every child from 6 to 14 years of age has a right to free and compulsory education in a neighborhood school till completion of elementary education.
- [2] Private schools must take in a quarter of their class strength from 'weaker sections and disadvantaged groups', sponsored by the government.
- [3] All schools except private unaided schools are to be managed by School Management Committees with 75 per cent parents and guardians as members.
- [4] All schools except government schools are required to be recognized by meeting specified norms and standards within 3 years to avoid closure.

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