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## Right to education and Indian education system

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### Introduction

From the ancient time our country is a hub of knowledge, Vedas, Puranas & Upanishads are very previous & holy books, which are hub of knowledge. Aryabhata, Ramanujan were born in this country, Jyotish shastra, Ayurveda & Yoga is related to our country. We are aware about distance in between Earth & sun, speed of light and calculation of time with the help of sun's rays. In this country now a days Govt. has taken good steps to provide education for all as a right. Right to education Act (RTE), is an Act of the Parliament of India enacted on 4<sup>th</sup> August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 India under Article 21A of the Indian Constitution [1]. India become one of 135 countries to make education a fundamental right of every child when the act came into force on 1<sup>st</sup> April 2010 [2, 3, 4].

Present Act has its history in the drafting of the Indian Constitution at the time of Independence [5] but is more specifically to the Constitutional Amendment of 2002 that included the Article 21A in the Indian constitution making education a fundamental right. This amendment, however, specified the need for a legislation to describe the mode of implementation of the same which necessitated the drafting of a separate education bill.

### Passage

The bill was approved by the cabinet on 2<sup>nd</sup> July 2009 [6]. Rajya Sabha passed the bill on 20<sup>th</sup> July 2009 [7] and the Lok Sabha on 4<sup>th</sup> August 2009 [8]. It received Presidential assent and was notified as law on 26<sup>th</sup> August 2009 [9] as The Children's Right to Free and Compulsory Education Act [10]. The law came into effect in the whole of India except the state of Jammu and Kashmir from 1<sup>st</sup> April 2010, the first time in the history of India a law was brought into force by a speech by the Prime Minister. In his speech, Manmohan Singh, prime Minister of India stated that, "We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India" [11].

The RTE Act provides for the: Right of children to free and compulsory education till completion of elementary education in a neighbourhood school. It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. It makes provisions for a non-admitted child to be admitted to an age appropriate class. It specifies 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 Government.

### Highlights

The RTE Act required surveys that will monitor all neighbourhoods, identify children requiring education, and set up facilities for providing it. The World Bank education specialist for India, Sam Carlson. Has observed:

The RTE Act is the first legislation in the world that puts there sponsibility of ensuring

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enrolment attendance and completion on the Government. It is the parent's responsibility to send the children to school in the US and other countries<sup>[12]</sup>.

The right to education of persons with disabilities until 18 years of age is laid down under a separate legislation – the Persons with disabilities Act. A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act.

### Implementation and funding

Education in the Indian constitution is a concurrent issue and both centre and states can legislate on the issue. The Act lays down specific responsibilities for the centre, state and local bodies for its implementation. The states have been clamouring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education<sup>[13]</sup>. Thus it was clear that the central government (which collects most of the revenue) will be required to subsidise the states.

### Advisory Council on Implementation

The ministry of HRD set up a high-level, 14-member National Advisory Council (NAC) for implementation of the Act. The members include

- Kiran Karnik, former president of NASSCOM
- Krishna Kumar, former director of the NCERT
- Mrinal Miri, former vice-chancellor of north-East Hill University
- Yogendra Yadav – social scientist. India
- Sajit Krishnan kuttu Secretaey of The Education Assisting Children,s Hopes (TEACH) India
- Annie Namala, an activist and head of Centre for Social Equity and Inclusion
- Aboobacker Ahmad, vice-president of Muslim Education Society, Kerala.

### Status of Implementation

A report on the status of implementation of the Act was released by the Ministry of Human Resource Development on the year anniversary of the Act. The report admits that 8.1 million children in the age group six-14 remain out of school and there's a shortage of 508,000 teachers country-wide. A shadow report by the RTE Forum representing the leading education networks in the country, however, challenging the findings pointing out that several key legal commitments are falling behind the schedule<sup>[14]</sup>. The Supreme Court of India has also intervened to demand implementation of the Act in the northeast<sup>[15]</sup>. It has also provided the legal basis for ensuring pay parity between teachers in government and government aided schools<sup>[16]</sup>.

Haryana Government has assigned the duties and responsibilities to Block Elementary Education Officers-Cum-Block Resource Coordinators (BEEOs-cum-BRCs) for effective implementation and continuous monitoring of implementation of Right to Education Act in the State<sup>[17]</sup>.

### Criticism

The Act has been criticised for being hastily-drafted<sup>[18]</sup>, not consulting many groups active in education, not considering the quality of education, infringing on the rights of private and religious minority schools to administer their system, and for excluding children under six years of age<sup>[19]</sup>. Many of the ideas are seen as continuing the policies of Sarva Shiksha Abhiyan of the last decade, and the World Bank

funded District Primary Education Programme DPEP of the '90s, both of which, while having set up a number of schools in rural areas, have been criticised for being ineffective<sup>[20]</sup> and corruption-ridden<sup>[21]</sup>.

### Opinion

The quality of education provided by the government school system is not good<sup>[22]</sup>. While it remains the largest provider of elementary education in the country, forming 80% of all recognised schools, it suffers from shortage of teachers and infrastructural gaps. Several habitations lack schools altogether. There are also frequent allegations of government schools being riddled with absenteeism and mismanagement and of appointments made on political convenience. Despite the allure of free lunch in the government schools, many parents send their children to private schools. Average schoolteacher salaries in private rural schools in same States (about Rs.4,000 per month) are considerably lower than those in government schools<sup>[23]</sup>. As a result, the proponents of low-cost private schools critiqu the government schools as being poor value for money.

Children attending the private school are seen to be at an advantage, forming a discrimination against the weakest sections who are forced to go to government schools. Furthermore, the system has been criticised as catering to the rural elites who are able to afford school fees in a country where a large number of families live in absolute poverty. The act has been criticised as discriminatory for not addressing these issues.

### Barrier for orphans

The Act provides for admission of children without any certification. However, several states have continued pre-existing procedures insisting that children produce income and caste certificates, BPL cards and birth certificates. Orphan children are often unable to produce such documents, even though they are willing to do so. As a result, schools are not admitting them. As they require the documents as condition to admission.

### The Education System in India

Education is important in any country since it promotes the knowledge, skill, habits and values. India, with more than 1.20 billion residents, has the second largest education system in the world (after China). Experts estimate that 32 percent of its current population is under the age of 15. But counter to the image of India as a youthful engine of economic growth where many urban-based citizens work in some of the best technology-centered jobs in the world, males in India complete just 2.9 years of schooling on average, females just 1.8 years. And for the small proportion who do persist through primary and secondary schooling the quality of instruction varies widely, depending on the region of the country and whether one is enrolled in a State-supported public school or a fee-based private school. In ancient times, India had the Gurukula system of education in which anyone who wished to study went to a teacher's (Guru) house and requested to be taught. If accepted as a student by the guru, he would then stay at the guru's place and help in all activities at home. This not only created a strong tie between the teacher and the student, but also taught the student everything about running a house. The guru taught everything the child wanted to learn, from Sanskrit to the holy scriptures and from mathematics to Metaphysics.

The student stayed as long as he wished or until the guru felt he had taught everything he could teach. All learning was closely linked to nature and to life, and not confined to memorizing some information.

The modern school system was brought to India, including the English language, originally by Lord Thomas Babington Macaulay in the 1830s. The curriculum was confined to “modern” subjects such as science and mathematics, and subjects like metaphysics and philosophy were considered unnecessary. Teaching was confined to classrooms and the link with nature was broken, as also the close relationship between the teacher and the student.

Universal and compulsory education for all children in the age group of 6-14 was a cherished dream of the new government of the Republic of India. This is evident from the fact that it is incorporated as a directive policy in article 458 of the constitution. But this objective remains far away even more than half a century later. However, in the recent past, the government appears to have taken a serious note of this lapse and has made primary education a Fundamental Right of every Indian citizen. The pressures of economic growth and the acute scarcity of skilled and trained manpower must certainly have played a role to make the government take such a step. The expenditure by the government of India on school education in recent years to around 3% of the GDP, which is recognized to be very low.

### The School System

India is divided into 29 states and 7 so-called “Union Territories”. The states have their own elected governments while the union territories are ruled directly by the Government of India, with the President of India appointing an administrator for each union Territory. As per the constitution of India, school education was originally a state subject – that is, the states had complete authority on deciding policies and implementing them. The role of the Government of India (GoI) was limited to coordination and deciding on the standards of higher education. This was changed with a constitutional amendment in 1976 so that education now comes in the so-called concurrent list. That is, school education policies and programmes are suggested at the national level by the GoI though the state governments have a lot of freedom in implementing programmes. Policies are announced at the national level periodically. The Central Advisory Board of Education (CABE), set up in 1935, continues to lead role in the evolution and monitoring of educational policies and programmes.

The National Policy on Education, 1986 and the Programme of Action (POA) 1992 envisaged free and compulsory education of satisfactory quality for all children below 14 years before the 21<sup>st</sup> Century. The government committed to earmark 6% of the Gross Domestic Product (GDP) for education, half of which would be spent on primary education. The expenditure on Education as a percentage of GDP also rose from 0.7 percent in 1951-52 to about 3.6 percent in 1997-98.

The school system in India has four levels: lower primary (age 6 to 10), upper primary (11 to 12), high (13 to 15), and higher secondary (17 and 18). The lower primary school is divided into five “standards”, upper primary school into two, high school into three and higher secondary into two. Students have to learn a common curriculum largely (except for regional changes in mother tongue) till the end of high school. There is some amount of specialization possible at

the higher secondary level. Students throughout the country have to learn three languages (namekly, English, hindi and mother tongue) except in regions where Hindi is the mother tongue and in some streams as discussed below.

### Exclusive Schools

In addition to the above, there are a relatively small number of school that follow foreign curricular; such as the so-called Senior Cambridge, though this was largely superseded by the ICSE stream elsewhere. Some of these schools also offer the students the opportunity to sit for the ICSE examinations. These are usually very expensive residential schools where some of the Indians working abroad send their children. They normally have fabulous infrastructure, low student-teacher ratio and very few students. Many of them have teachers from abroad. There are also other exclusive schools such as the Doon School in Dehradun that take in a small number of students and charge exorbitant fees.

### State Schools

Each state in the country has its own Department of Education that runs its own school system with its own textbooks and evaluation system. As mentioned earlier, the curriculum, pedagogy and evaluation method are largely decided by the SCERT in the state, following the national guidelines prescribed by the NCERT.

Each state has three kinds of schools that follow the state curriculum. The government runs its own schools in land and buildings owned by the government and paying the staff from its own resources. These are generally known as government schools. The fees are quite low in such schools. Then there are privately owned schools with their own land and buildings. Here the fees are high and the teachers are paid by the management. Such schools mostly cater to the urban middle class families. The third kind consists of schools that are provided grant-in-aid by the government, though the school was started by a private agency in their own land and buildings. The grant-in-aid is meant to help reduce the fees and make it possible for poor families to send their children. In some states like Kerala, these schools are very similar to government schools since the teachers are paid by the government and the fees are same as in government schools.

### The Case of Kerala

The state of Kerala, a small state in the South Western coast of India, has been different from the rest of the country in many ways for the last few decades. It has, for instance, the highest literacy rate among all states, and was declared the first fully literate state about a decade back. Life expectancy, both male and female, is very high, close to that of the developed world. Other parameters such as fertility rate, infant and child mortality are among the best in the country.

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