

## Right to Primary Education

*Dr. Vipin Pratap Singh*

P.G.D.A.V. College (Evening)

University of Delhi

---

### Abstract

The Goal to achieve universal primary education and the need for effective implementation of the right of children to free and compulsory education Act. To “ensure that by 2017, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling” is one of the eight Millennium Development Goal that the United Nation has set for International Community on the onset of the new Millennium development goal in 2006, there is a need to increase the enrollment levels to 100% and to wipe out the dropout rates. Various reports available in public domain indicate that India lags far behind in achieving these goals.

### Introduction

Primary Education is the foundation on which the development of every citizen and the nation as a whole builds on. In recent part, India has made a huge progress in terms of increasing primary education enrolment, retention, regular attendance rate and expanding literacy to approximately two third of the population. Free and compulsory education to all children up to the age fourteen is constitutional commitment in India. The parliament of India has recently passed Right to Education Act through which education has become fundamental right of all children of age group 6-14 years.

Primary education is the first stage of compulsory education. The major goals of primary education are achieving basic literacy and numeracy amongst all pupils as well as establishing foundations in Science, Mathematics, Geography, History and other Social Science. The relative priority of various areas and the method used to teach them, are an area of considerable political debate.

What we need, in the first place, is an effective policy, instrument in place to achieve this goal. Then, we need effective implementation of that instrument to achieve the desired. Fortunately, we do not lack as far as the first is concerned. It was way back in 1993 that the Supreme Court of India had recognized the right of children to free and compulsory education as a fundamental right. Our national education policy on children recognizes this right. It was through these contexts that the parliament amended the constitution of India to make right to primary education a fundamental right by inserting article 21 (A) in the constitution. By the same amendments, another provision was inserted as a fundamental duty for every citizen.

Parliamentary Legislation on fundamental Right to elementary education (93<sup>rd</sup> amendment to the constitution).

- (A) Article 21 (A) : "The state provide free and compulsory education for all children of the age of 6-14 years."<sup>1</sup>
- (B) Article 45 : "The state provide early childhood care and education for all children until they complete the age of six years."<sup>2</sup>
- (C) Article 51 (A) K : "Parents/guardian to provide opportunities for education to his/her child or ward between the age of 6-14 years."<sup>3</sup>

The Right of Children to free and compulsory education Act of Right to Education Act (RTE) is an Indian legislation enacted by the Parliament of India on 4<sup>th</sup> Aug. 2009, which describes the modalities of the importance of free and compulsory education for children between 6 to 14 in India under 21 a of the Indian Constitution.<sup>4</sup> India become 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.

### 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>5</sup> Thus it was clear that the central government (which collect most of the revenue) will be required to subsidise the states.

A committee set up study the fund requirement and funding initially estimated that Rs. 171000 crores, across five years was required to implement the Act, and in April, 2010 the Central Govt. agreed to share the funding for implementing the law in the ratio of 65 to 35 between the centre and the states. At that rate,

most states may not need to increase their education budgets substantially.

### Advisory Council of Implementation

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

1. Kiran Karnik, formal president of NASSCOM.
2. Krishna Kumar formal director of the NCERT.
3. Mrinal Miri, former vice-chancellor of North-East Hill University.
4. Yogendra Yadav, Social scientist, India.
5. Annie Namala, an activist and head of centre for social equity and inclusion.
6. Aboo Backer Ahmad, vice-president of Muslim Education Society, Karala.

### Status of Implementation

A report on the status of implementation of the Act was released by the Ministry of Human Resource Development on the one year anniversary of the Act. The report admits that 9.1 million children in the age group of 1-14 remain out of school and there is a shortage of 508,000 teachers country-wide. A shadow report by the RTE Forum representing the leading education network in the country, however, challenging the findings pointing out that several key legal commitments are falling behind the schedule.<sup>(4)</sup> The Supreme Court of India has also intervened to demand implementation of the Act in North-East.<sup>6</sup>

It has also provided the legal basis for ensuring pay parity between teachers in government and government aided school. Haryana Government has assigned the duties and responsibilities to Block Elementary Education Officers-cum-Block Resource coordinators for effective implementation and continuous monitoring of implementation of Right to Education Act in the state.

### Criticism

The act has been criticized for being hastily-drafted, not consulting many groups active in education, not considering the quality of education, intruding on the rights of private and religious minority schools to administer their system, and for excluding children under six years of age. Many of the ideas are seen as continuing the policies of Sarva Shiksha Abhiyan of the last decade, and the World Bank founded District Primary Education Programme DPEP of the 90s, both of which, while having set up a number of schools in rural areas, have criticized for being ineffective<sup>(7)</sup> and corruption-ridden.<sup>31</sup>

### Quality of Education

The quality of education provided by the government system remains in question while it remains the largest provider of elementary education in the country forming 80% of all recognized schools. It suffers from shortage of teachers, infrastructural gaps and several habitations continue to lack school altogether. There are also frequent allegations of government school being riddled with absenteeism and mismanagement and appointments are based on political consideration. Despite the allure of free lunch food in the government schools, many parents send their children to private school. Average school teacher salaries in private rural schools in some states (about 4,000 per month) are considerably lower than that in government schools.<sup>7</sup> As a result, proponents of low cost private schools, critiqued government schools as being poor value for money.

Children attending the private schools are seen to be at an advantage, thus discriminating

against the weakest sections, which are forced to go to government schools. The act has been criticized as discriminatory for not addressing these issues. Well known educationist Anil Sadagopal said of the hurriedly-drafted act.

### Conclusion

Although, it took a long time from there for the parliament to enact a law for the effective provisions of this fundamental right, we however, have a very sound law for this purpose in the form of "The right of children to free and compulsory education Act 2009."

However, when we look at the aspect of defective implementation of the provisions of the act, India fares very poorly. This paper emphasizes the need for effective implementation of these provisions to achieve the Millennium Development Goal in question. Then, the papers submit that towards insuring effective implementation of the act, citizen participation is very critical.

### References

1. Political Science, Dr. Pukh Raj Jain, p.40.
2. Ibid, p.45.
3. Ibid, p.50.
4. <http://www.un.org/millenniumgoals/>
5. <http://www.un.org/millenniumgoals/>
6. <http://www.un.org/millenniumgoals/>
7. <http://www.un.org/millenniumgoals/>