

RESEARCH ON

**LAW AND POLICY STANDARD IN TRANSFORMING INDIAN SCHOOL
EDUCATION**

SUBMITTED TO

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BY

SOURABH VASANT UBALE

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Mr. Sourabh Vasant Ubale

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(CCRM-2405)

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CHAPTER: I

INTRODUCTION

1.1 GENERAL INTRODUCTION OF THE TOPIC

Education is one of the most important functions of the State. Education is the basic need of a person along with food, cloth and shelter. Now -a-day's education plays vital role in democracy. Education is basic right which must be granted to all for the proper development of the nation because it increases the productivity of the citizens of that country and thus is directly proportional to the welfare of the people.¹

The Education of the child must be directed to the development of child's personality, talents, mental and physical abilities to their bright future. Education is necessary to acquire the real aims and objectives of Human Rights. The landmark passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. For the first time in India's history, children will be guaranteed their right to quality elementary education by the State with the help of families and Communities.

The basic principle on which education policy in India should be formulated are to be found Part III & IVA, Fundamental rights, Directive principles of state policy and Fundamental duties respectively. Some of the Children specific provisions of the Constitution containing in Part III deal with fundamental rights and Part IV. The State has empowered to make special provisions for children. The employment of children under the age of 14 years has been prohibited.² The Supreme Court in Unnikrishnan V/S

¹ Anil Kumar Biswas, "Universalization of education", Kurukshetra, May 2011

² Dr.J.V Siva Kumar, Right To Compulsory And Free Education-An Overview, Orient Journal of Law and Social Sciences Volume VI, Issue 7, June 2012

State of A.P³ ruled that the Right to Education is a Fundamental Right that flows from the Right to Life in Article 21 of the Constitution. The 86th Constitution Amendment Act-2002 added Article 21-A Right to Education and modified Article-45.⁴

There were some International declarations and Conventions on Right to Education like. The Universal Declaration of Human Rights-1948, The Fourth Geneva Convention 1949, Conventions relating to the status of Refugees-1951, The Convention on the Rights of the Child-1989, World Conference on Education for all-1990, Human Rights Council-2008.⁵

The aim of Free and Compulsory Education is to provide a child enhanced awareness, greater openness, the courage to question and perseverance in searching for solutions and living in Society with dignity. The goal of elementary Education is to equip one with basic minimum levels of knowledge, attitudes, values and skills so to start the journey of one's life. The decisions of the Hon'ble Supreme Court and enactments of the Right to Children to free and Compulsory Education Act, 2009 are also to fulfil the Constitutional objectives of the free and compulsory education to every child but the task is enormous. This research work mainly emphasize on the problems related to education in India , the policies thereof law enacted and drawbacks in the system to pave way for bright future to RIGHT TO EDUCATION IN INDIA.

1.2 SIGNIFICANCE OF THE RESEARCH

³ (1993)1 SCC 645

⁴ M.Muni Hemachand ,Right To Education In Event Of Natural Disaster –An Overview, Volume Vi, Issue 6, May 2012, Overview, Orient Journal of Law and Social Sciences Volume VI, Issue 6, June 2012

⁵ M.Muni Hemachand ,Right To Education In Event Of Natural Disaster –An Overview, Volume VI, Issue 6, May 2012, overview, Orient Journal of Law and Social Sciences Volume VI, Issue 6, June 2012

1. To study the status of Right of Children to Education in India along with the present laws and policies in achieving the goals.
2. To find out the problems for proper implementation of RTE Act
3. To conduct a study on the problems in the RTE Act
4. To identify factors affecting the effective implementation of RTE Act
5. To 'describe' and 'identify' accurately the gap between education norms and policies given by International law and Indian Law and Policy in the field of Right of Children to Education and to test hypotheses.
6. To find solutions for the problems related to Right of Children to Education in India.
7. To propose recommendations, plans to Legislative and policy forming bodies in India in achieving International Standards and provisions.

1.3 HYPOTHESIS

1. Legal framework of Right of Children to Education in India possesses ambiguities and dodges in achieving the education goals set by International Law.
2. There is a huge gap between International Law and Policy Standard and Indian Law and Policy with respect to Right of Children to Education

1.4 RESEARCH QUESTIONS

1. Whether the objective of the Act is met with?
2. What are the problems in effective implementation of the RTE Act?
3. Whether the Act itself is sufficient to ensure the free and compulsory education to the children or any amendment is required in the same?

4. Whether the purpose of providing Children with Right to Education is fulfilled by merely providing the 'Right of Children to free and Compulsory Education (RTE) Act 2009'?
5. Whether the status of the Right of Children to Education in India possesses loopholes in the Legal accreditation of the Rights associated with it?

1.5 RESEARCH METHODOLOGY

Motivation of Research

1. Desire to earn a research certificate along with its consequential benefits.
2. The 'concern' for thitherto 'unsolved' or 'unexplored' 'problem' and my keen desire to seek solution therefore, and be a proud recipient of that contribution.
3. Desire to acquire reputation.
4. Desire to get intellectual joy of doing some 'creative' work.
5. Desire to render some service to society.

Objectives of Research

1. To gain familiarity with a phenomenon & to achieve new insights into it.
2. To portray accurately the characteristics & its different dimensions.
3. To test causal relationship amongst facts & situations.
4. To 'know' and 'understand' a phenomenon with a view to formulating the problem precisely and find solutions.
5. To 'describe' accurately a given phenomenon and to test hypotheses.

Research Methodology

Systematized efforts to gain new Knowledge - *Redman & Mory*

The Act of searching into a matter closely and carefully, inquiry directed to the discovery of truth and in particular, the trained scientific investigation of the principles and facts of any subject, based on original and first hand study of authorities or experiment. Investigations of every kind which has been based on original sources of knowledge may be styled research & it may be said that without 'research' no authoritative works have been written, no scientific discoveries or inventions made, no theories of any value propounded - *Encyclopaedia Britannica (Cambridge Edition, 1911)*

For the purpose of this research, researcher used Doctrinal as well as Non-Doctrinal method of research, which will cover the laws and policies of the government, thereby highlighting its approach towards the implementation of the right to education in full letter and spirit.

Non -Doctrinal research which will cover the problem of implementation by interaction or by taking surveys through Questionnaire provided to School Teachers and Parents of 6-14 age Children and layman and approach towards the problems in implementation of RTE.

Type of Research

For the present research, the type of research will be-

- *Analytical*- using the facts and information available at National and International Level and analyse these to make a critical evaluation of the material,
- *Diagnostic*-going deep into causes of things so as to arrive on solutions,
- *Applied*- aiming at discovering the solutions for the problem,

- *Qualitative*- relating to or involving quality or kind and relying on reason behind various aspects of it.

1.6 SCHEME OF RESEARCH (Chapterization)

The research study is having the following chapters

The first chapter, **“Introduction”** This chapter will deal with the research guidelines providing the outline of the research to have a grasp idea of the subject of the research. The chapter contains introduction, significance of study, objective, research question, methodology and scheme of the study.

The second chapter **“Right to Education in India: Historical, Social Development”** This chapter deal with meaning and importance of education in our society, history of education as well as with social development by Mahatma Gandhi, Kastruba Gandhi, Mahatma Phule, Savitribai Phule, Shahu Maharaj, Gopal Krishna Ghokale, Maharaja of Baroda, and Vithalbai Patel.

The third chapter **“Right to Education: Constitution Perspectives”** This chapter will deal with various provisions of Constitution of India, recent amendments, law relating to education, case laws, analysis, and their impact on society.

The fourth chapter **“Right to Education Act 2009- Critical Analysis”** – This chapter will be dealing with the critical analysis of the Act, and the limitation thereof.

The fifth chapter **“Implementation of Right to Education Act: Problems and Solutions”**- This chapter will be dealing with the factors of affecting the effective implementation of the Act and to identify the solutions if any.

The Sixth chapter "**Empirical Phase**"- This chapter will be dealing with Method of Data Collection which includes Survey and Questionnaire, Sampling and Questionnaire.

The seventh Chapter "**Interpretative Phase**"- This chapter deals with data analysis, data interpretation, report and findings

And lastly- "**Recommendations**" and "**Conclusion**" Deals with conclusions and suggestions to the issue emerged from analysis of legal provisions and data collected from field.

CHAPTER: II

RIGHT TO EDUCATION IN INDIA : HISTORICAL , SOCIAL DEVELOPMENT

2.1 GENERAL INTRODUCTION

Our education system is the oldest in the world and it had some peculiarities which are not found anywhere in the world. And we are proud of them even today. Maharshi Manu had declared the importance of Education in the world some thousand of years ago. Education is a most important and great investment in human life for the present and the future. Education is an important factor for progress and all round development of a country. It plays a vital role in economic and social development and national integration of a country. The education makes all the persons understanding, friendship and tolerance among different communities of the world.

Education is mirror of any present day society in as much as the related. The advent of Indian independence and the framing of the new Constitution are brilliant events in the world. Right from the times of Vasudev Balwant Phadke to Gopal Krishna Gokhale to recent times of Mahatma Gandhi and Subhash Chandra Bose it is an inspiring and thrilling scene of struggle for education in India.

Children are our future and most valued resources. The quality of tomorrow's world and perhaps even its survival will be determined by the well-being, safety and the physical and intellectual development of children today. Children are the mirror of a nation. India is home to the largest child population in the world. The development of children is the first priority on the country's development agenda, not because they are the most vulnerable, but because they are our supreme assets and also the future human resources of the country.

Human resource development is not possible without education and as human resource is the basis of economy growth and prosperity, education is integral. This education is related to social progress and advancement and is therefore called social education which generally aims at child and adult of country and eradication of illiteracy.

This chapter presents the concept of Education in India from historical period .In the historical period researcher is dealing with social developments with various social workers.

According to Jotiba Phule education like all other fundamental needs,is essential to all.Lack of education leads farmers,women ,shudra and atishudra towarda poverty.

"विद्येविना मती गेली ;

मतीविना नीती गेली ;

नितीविना गती गेली ;

गती विना वित्त गेले ;

वित्तविना शुद्र खचले ;

इतके अनर्थ एका अविद्येने केले! "

(Lack of education leads to lack of wisdom,which leads to lack lack of morals,which leads lack of progress,which leads to lack of money,which leads to the oppression of the lower classes. See what state of the society one lack of education can cause.)⁶

2.2 DEFINITION OF EDUCATION

⁶ Available at <http://blogofreflections.wordpress.com/2012/01/02/mahatma-phule-and-savitribai-phule/> accessed on 12/11/2016

According to Oxford Dictionary⁷, the term “Education” is defined as process of education or being educated, and the theory and practice of teaching. It also gives information about or training in a particular subject or informal an enlightening experience.

“Education is a process by which child makes his internal external.” (Froebel)⁸

“By education I mean an all-round drawing out of the best in child and man-body, mind and soul” (Mahatma Gandhi)⁹

“Education is the manifestation of perfection already reached in man.” (Vivekanand)¹⁰

“Education means the bringing out of the ideas of universal validity which are latent in the mind of every man.” (Socrates)¹¹

“Education means to enable the child to find out ultimate truth making its own and giving expression to it.” (Rabindranath Tagore)¹²

2.3 SOCIAL DEVELOPMENT FOR EDUCATION IN INDIA

“Illiteracy is our sin and shame and must be liquidated”.

⁷ Oxford Dictionary, 7th Edition, 2005

⁸ Yogesh Kumar, *History of Indian Education system*, publication APH(edition-2007), ISBN 8176489328, 9788176489324

⁹ Ibid

¹⁰ Id

¹¹ Yogesh Kumar, *History of Indian Education system*, publication APH(edition-2007), ISBN 8176489328, 9788176489324

¹² Ibid

By Mahatma Gandhi¹³

As above we discussed that the historical development of education in India. How education develop from Vedic period to post independence in India. For giving and to understand people the importance of education in society or in India our great freedom fighters and the social worker played important role in India for education.

According to Jotiba Phule, Education like all other fundamental needs is essential to all. Jotiba Phule realized that education only means to transform the status of woman in the society it was weapon for all women to stand for her. The very first one of it was he did not have any female teacher to teach the girls. Jotiba took a bold step and educated his wife Savitribai at home who would be the first female teacher of India. Savitribai had to suffer a lot of miseries during this course too. She was ridiculed by the orthodox people, mostly the priest Brahman class, on her way to school. They even did not hesitate to throw mud or cow-dung on her. Jotiba Phule established India's first 'Girls' school in Pune in 1848. He also gave suggestions to Hunter Commissions the Primary education is compulsory and free to all including shudra and Atishudra. He wrote some books for inspiring to people for education and dalits.

The name of Maharshi Dyanand Sarswati will remain immortal in the field of education. He stood for ancient ideals of education and established a number of D.A.V Colleges in the northern part of country. He also played important role in education development. The principal object therefore was to enquire the state of elementary or primary education in India.

¹³ Implementation And Enforcement Of Right To Education In India, Neeraj Gahlawat accessed from [Http://Www.Legalindia.in/Implementation-And-Enforcement-Of-Right-To-Education-In-India%E2%80%99](http://www.Legalindia.in/Implementation-And-Enforcement-Of-Right-To-Education-In-India%E2%80%99) visited on 6/11/2016

After that the Patel Bill, 1917 was first compulsory education legislation, to make education compulsory from ages to 11 years. Patel Act, 1918 Vitthal Bhai Patel introduced a Bill in the legislative council in Bombay in order to declare primary education compulsory. This Bill was passed by continuous struggle by Patel. It speeded up the development of primary education.¹⁴

Shri Gopal Krishna Gokhale while debating a bill on compulsory education in the imperial legislative council in 1911 has said, Elementary education both free and compulsory, and few nations though the principle of compulsory is not strictly enforced or has not been introduced it is either wholly or for the most part gravitations, in India alone it is neither compulsory nor free.¹⁵ But because of the opposition of the Government officers the Bill could not be passed.

Mahatma Gandhi explained the concept of Basic Education through a series of articles in his Harijan magazine in 1937. In the conference at Wardha after a detailed discussion about Gandhiji's articles the scheme of Basic Education took shape under the leadership of Dr. Zakir Hussain the following four resolutions passed-

1. Free, universal and compulsory education should be provided for all boys and girls between the ages of 7-14.
2. This education should be imparted in the mother-tongue of the child.
3. All education should centre round some basic craft chosen with due regard to the capacity of children and the needs of the locality. The committee suggested spinning and weaving, card-board and wood work, leather work, kitchen-gardening, agriculture and fishery as obviously suitable crafts.

¹⁴ History of education in India, By- R.N Sharma, R.K. Saharma, published by- Atlantic, ISBN-81-7156-599-9

¹⁵ Law and Social Transformation in India, By- Malik & Rawal, Third Edition 2011 Published by- Allahabad Law Agencies

4. This education should be self-supporting to some extent.¹⁶

With some obvious differences, similar alternative views on education were also put forward, experimented or practiced by other personalities like Gijubhai Bdheka, Aurobindo Ghosh, Shahu Maharaj and Rabindranath Tagore in India.

Education meant to these thinkers and practitioners not only textbook learning but also values and skills. They thought that Education should help individuals to plan for their career as well as play a useful part in building a better society and also their development is also dependent upon education. In other words, education should become a motor of progressive change in the lives of individual as well as that of the entire community.¹⁷ They understood that education is crucial for building a democratic, egalitarian, secular, just and enlightened society, both at the national and transnational levels. Education should promote socio-economic justice, political liberty, freedom of thought, equality of status and opportunity, dignity of the individual, integrity of the nation and universal peace.¹⁸ Hence for them education was a means for unleashing the full human potential, for serving the larger public interest, as well as the path to social development with equality and social justice. Education for them was not a commodity or service that can be sold and bought in the market. Therefore, in this context, there is a necessity of introducing a newsletter through an adapted version of a historic call to "Educate! Agitate! Organize!"

2.3.1 NATIONAL POLICY ON EDUCATION (1986)

Education in India stands at the crossroads today, neither normal linear expansion nor the existing pace and nature of improvement can meet the needs of the situation. The new policy would be egalitarian. An attempt would have to be made to give access to

¹⁶ <http://www.studymode.com/essays/Rabindranath-Tagore-Contribution-Towards-Education-1271776.html>

¹⁷ Reconstructing Education –December 2011, Year 1, Issue 1

¹⁸ History of Education in India-By- N. Jayapalan, Publication –Atlantic, ISBN-81-7156-6

the best type of education to the most intelligent children, no matter from which section of society they came from- **Rajiv Gandhi**

The exercise of change started with the constitution of University Education Commission in 1948 with Dr. S. Radhakrishnan as its chairman. The Commission gave very useful recommendations, regarding reform and change in university and college education. On their suggestion, another commission named as Secondary Education Commission under the chairmanship of another distinguished educationist, Dr. A. L. Mudaliar was set up in 1952 to probe into the deficiencies of Secondary Education and to bring desirable changes in it.

2.3.2 165TH LAW COMMISSION REPORT, 1998

The report advocated legislation of a central Act for providing free and compulsory education without waiting for any amendment in the Constitution of India. It is necessary for development of education in India. After that the report suggested to include private unaided institutions in the scheme of free and compulsory Education. The report advocated dispensing with the tuition fee, providing free text books, free uniform, free lunch, etc. whatever necessary. Interpreted compulsion as:

- Compulsion on state
- Compulsion on parents
- Compulsion on society

2.4 CONCLUSION

The Indian civilization has acknowledged education as one of the pious obligations of the human society. Establishment of education institution and endeavour towards proper administration of the same are considered to be religious and charitable object. India has

been a storehouse of knowledge. It has attracted scholars and students from across the world. Besides, Ramayana, Mahabharata and Manu-Smriti, India is also the home of Algebra, Calculus and Pythagoras Theorem.

CHAPTER: III

RIGHT TO EDUCATION: CONSTITUTION PERSPECTIVES

3.1 GENERAL INTRODUCTION

“There is only one purpose in the whole of Life –Education”.

“Otherwise what is the use of me and women, land and wealth”.

-Swami Vivekananda¹⁹

“Education is the most powerful weapon which you can use to change the world”.

-Nelson Mandela

“Illiteracy is our sin and shame and must be liquidated”.

By Mahatma Gandhi²⁰

The importance of education cannot be neglected by any nation for development of their social, economic and political system. And in today's world, the role of education has become even more vital. A man without education is no more than an animal. The growth and development of a state is primarily dependent upon the quality of education given to the people.

Education is god incarnate and secures honour at the hand of the state. And also the transformation from a beast into a man is caused by education. The Indian civilization has acknowledged education as one of the pious obligations of the human society. Justice Bhagwati, in Francis Coralie's case rightly observed that “the right to life includes the

¹⁹ The Right to Education: An Overview, By- Sonia. Indian Stream Research Journal Vol.2, Issue.11 Dec.2012, ISSN-2230-7850 available at www.isjr.net

²⁰ Implementation And Enforcement Of Right To Education In India, Neeraj Gahlawat [Http://Www.Legalindia.In/Implementation-And-Enforcement-Of-Right-To-Education-In-India%E2%80%9999](http://www.legalindia.in/Implementation-And-Enforcement-Of-Right-To-Education-In-India%E2%80%9999) visited on 6/12/2016

right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms....”²¹ An educated society prepares the present generation for a bright future and enables the individual to galvanize the capacity of collective. More than 2300 years back Chanakya had said “that mother and that father are enemies, who do not give education to their children”. In the recent past Nelson Mandela had proclaimed, “Education is most powerful weapon which you can to change the world.”²²

3.2 RIGHT TO EDUCATION IN THE CONSTITUENT ASSEMBLY DEBATE

The Constitution is the law of land and any law framed contrary to it will be held unconstitutional and invalid.²³Our constitution framers were aware about problems related to illiteracy and compulsory education so they issue many Directive principles of State Policy in part IV. Where the all framers gathered at the Constituent Assembly, their desire to provide free and compulsory education in India as well established.

The British government in its early stages of government did not show much interest in sponsoring the educational institutions in India. The need for educating the masses was however acknowledged by the national leaders. Serious debates and discussions were held to secure the position of right to education in the Constitution of India. Right to education did not secure a position within Part III of the Constitution during its drafting and subsequent enactment in 1950. It was rather secured under Part

²¹ “Right to Education Under Indian Constitution”<http://www.law-essays-uk.com/resources/sample-essays/indian-law/right-to-education-under-indian-constitution.php>visited on 10/11/2016

²² Implementation And Enforcement Of Right To Education In India, Neeraj Gahlawat <http://www.legalindia.in/implementation-and-enforcement-of-right-to-education-in-india%E2%80%99> visited on 10/11/2016

²³ Law & Social Transformation in India, Malik & Rawal, Third Edition 2011 Published by- Allahabad Law Agency’s

IV of the Constitution thereby protecting the state from any proceedings in absence of the enforcement of right to education.

Article 36 of the Draft Constitution had its own charm. Unlike the other Articles of The DPSP, Article 36 began with “every citizen is entitled to” instead of “the State shall endeavour to provide”. Pandit Lakshmi Kanta Maitra, an eminent member of the Constituent Assembly debate proposed the deletion of the words “every citizen is entitled to”. His justification was that all the Articles of the DPSP begin with “the state shall endeavour to” except Article 36 alone and hence does not fit in the framework. Moreover, the wordings of Article 36 resemble fundamental rights mixed with DPSP. Hence, it was proposed to be amended. The same idea was endorsed by Honourable Dr. B.R. Ambedkar and the amendment was adopted.²⁴

Also Article 41 of the Constitution constitutes the right to education subject to the economic capacity of the state. This Article formed Article 33 of the Draft Constitution and no amendment was brought about in the Article. Article 41 begins with the phrase “the state shall, within the limits of economic capacity shall endeavour to...” which is again subjected to economic contingencies and does not form a part of enforceable rights. This again proves that there was no positive endeavour made by the framers of the Constitution to make this intrinsic right as an enforceable one in spite of its acknowledgement as a vital factor for the prosperity of the nation. Though the Sub Committee on Fundamental Rights of the Constituent Assembly had decided to include right to primary education as an enforceable right, Sir Alladi Krishnaswamy Aiyar was not in favour of the inclusion of right to education within enforceable rights. His idea was supported by Sardar K.M. Panikkar and was finally with the suggestion of Sir Govind

²⁴ Right to education under the Constitution, <http://www.law-essays-uk.com/resources/sample-essays/indian-law/right-to-education-under-indian-constitution.php> 10/12/2016

Ballabh Pant, the Advisory Committee decided to include it within the list of non-enforceable rights.²⁵

There were several other issues raised about the obligation of state with regards to right to education. One of them, as mentioned by Shri B. Das, was that education should be provided in one's mother tongue in order to allow the diverse population to preserve their culture. This is especially with regards to those races who are minorities within a particular state. This, according to, Shri Das, would prevent denationalisation of masses who have mother tongue of their own but are forced to take lessons in some other language.

Mr. Naziruddin Ahmad, another member of the Constituent Assembly raised the issue of substituting the phrase “free and compulsory education” with “free and compulsory primary education”. According to Mr. Ahmad, the intention of the provision was to provide primary education and hence the same should be made explicit within the provision. Further, if the state strives to provide secondary education along with primary education, it will simply enlarge the scope of government obligations and make it more innocuous. This contention was very tactfully dismissed by Honourable Dr. B.R. Ambedkar. He was of the opinion that since the age limit of people to be benefitted by this provision is set at fourteen and also Article 18 of the Draft Constitution provides that no children below the age of fourteen should be employed, merely primary education will not suffice. Rather endeavour has to be made to keep the children occupied in educational institutions until they attain the age of fourteen. The word ‘primary’ was not added to the Constitution as per the consensus in the Assembly.

²⁵ Ibid

Amongst all these debates and deliberations, there is one factor that is worth mentioning. Article 45 of the Constitution is the only Article that mentions a time frame for the state to fulfil its obligation. Surprisingly, this Article has obtained the least attention in government policies and political agendas in the growing phase of our country. The most prominent proofs are the amount set for education within the budgets over the past few decades.²⁶

3.3 CONSTITUTIONAL PROVISIONS AND JUDICIAL TRENDS

Making India educated, judiciary of India has explained the concept of education, as the constitution holds in itself, by delivering various decisions. We find how judiciary explained all these things and the India's International Commitments.

Therefore in accordance with Article 26 of the Universal Declaration of Human Rights (UDHR), 1948²⁷ the founding fathers of the Constitution of India vide Articles 41²⁸, 45²⁹ and 46³⁰ provides for the right to education in Part of IV of the Constitution, which is the Directive Principles of State Policy (DPSP).

The Constitution of India is a Directive Principle contained in Art. 45, has made a provision for free and compulsory education for all children up to the age of fourteen years within ten years of promulgation of the Constitution. We would not achieve this goal even after fifty years of the adoption of the provision.³¹ Though this part IV of the

²⁶ Right to education under the Constitution, <http://www.law-essays-uk.com/resources/sample-essays/indian-law/right-to-education-under-indian-constitution.php> 25/11/2016

²⁷ Article 26 of the UDHR makes obligatory on Member State to provide for right to education.

²⁸ Dr.J.N Pandey, 49th edition published by Central Law Agency

²⁹ Durga Dsa Basu, Commentary of the Constitution of India, 8th Edition(2008),publication – Lexis Nexis Butterworth's wadhava Nagpur.ISBN-978-81-8038-581-2

³⁰ M.P Jain. Sixth edition reprint 2011- publishers Lexis Nexis Butterworth's Wadhwa Nagpur ISBN-978-81-8038-2635

³¹ Durga Dsa Basu, Commentary of the Constitution of India, 8th Edition(2008),publication – Lexis Nexis Butterworths wadhava Nagpur.ISBN-978-81-8038-581-2

Constitution directs the State to act within time but does not give any enforceable rights to the citizens. Collectively these articles command the State to provide a Right to Education within the limits of its economic capacity and development, within ten years from the commencement of the Constitution. Also the Right to free and compulsory education to all children until the complete the age of 14 years and promotion of educational interests of Scheduled Castes, Tribes and other weaker sections. From the plain reading of these three articles it can be construed that the Right to Education means that every child has a Right to Education until he complete the age of 14 years and thereafter his right to education is circumscribed by the limits of the economic capacity of the State and its development. Although the Constitution makers realized the significant and necessity of the Right to Education they placed the subject of education in the State list of the seventh scheduled of the Constitution thereby making it a State subject and state accountable for it. But in reality, due to the initiation of the national policy on education and the leading role of Ministry of Education, Government of India, it remained in the domain of the central government. The change has come only after the 42nd Constitutional Amendment Act,1976,which has placed education in the concurrent list by transferring item 11 of the State list to item 25 of the concurrent list to enable both, centre and States to act upon it. Till today, there has been no Central legislation to give effect to Article 45 of the Constitution but some of the States and Union Territories on paper at least, have enacted laws making primary education compulsory.³²

In the last six decades, overall, there has been a sizeable progress at all levels of education. With the commencement of Constitutional era, the government machinery has committed to the universalization of education through Constitutional commands and by affirming the world charters. Since under the leadership and guidance of planning

³² Other State are Andhra Pradesh, Assam, Madras, Kerala, Uttar Pradesh, Madhya Pradesh, Punjab, Orissa, Tamil Nadu Rajasthan and others.

commission and the Ministry of Education there has been a tremendous growth in all areas of education system at the national level. In 1950-51 there were 2, 09,671 primary institutions and 27 Universities in the Country. The State expenditure on education over the years has increased as a proportion of the GNP, though it was far below than the 6 percent recommended by the Education Commission of 1964-66.³³The National Educational Policy (NEP) 1986, modified in 1992 promised the free and compulsory education of satisfactory quality to all children up to the age of 14 years before India enters the 21st century, but failed to do so. Article 45 of the Constitution has gone unheard on the pretext that if Right to Education is made a Fundamental Right, the State will have to provide necessary funds and other resources for it.

Art.41 makes provisions regarding right to work, to education and public assistance in certain cases. It states the follows, 'The state shall, within the limits of its economic capacity and development make effective provision for securing the right to work and to education and to public assistance in certain cases of unemployment ,old age ,sickness and disablement and in other cases of undeserved want.'³⁴

Art. 45 make provision for free and compulsory education for children. It provides that, "The state shall endeavour to provide, within a period of ten years from the commencement of this constitution for free and compulsory education for all children until they complete the age of 14 years. "³⁵

Under Art.46 the state is directed to promote with special care the educational and economic interests of the weaker sections of the people and in particular of the scheduled castes and schedule tribes.³⁶

³³ Kothari commission of 1964-66 recommended 6% expenditure of GNP on education

³⁴ Bare Act with short comments-The Constitution of India, Professional Book Publishers

³⁵ Ibid

³⁶ Id

Though this part IV of the Constitution directs the state to act within time but does not give any enforceable rights to the citizens. Collectively these articles command the state to provide a right to education within ten years from the commencement of the Constitution. Also the right to free and compulsory education to all children until they complete the age of 14 years and promotion of educational interests of scheduled Castes, Tribes and other weaker sections. From the plain reading of these three articles it can be construed that the right to education means that every child has a Right to Education until he completes the age of 14 and thereafter his Right to Education is circumscribed by the limits of the economic capacity of the State and its development.

Although the Constitution makers realized the significance and necessity of the Right to Education they placed the subject of education in the State list of the seventh schedule of the Constitution thereby making it a State subject and state accountable for it. But in reality, due to the initiation of the national policy on education and the leading role of Ministry of Education, Government of India, it remained in the domain of the central government. The change has come only after the 42nd Constitution Amendment Act, 1976.

Our Constitution framers were with the view that right to education should exist in India, but at that time the position was different, so they had put it under Article 45 in Directive principles of State Policy in part IV. When the original Framers gathered at the Constituent Assembly, their desire to provide free and compulsory education was well established. The real question in the debate was whether the original Framers would make free and compulsory education justifiable or not. They oscillated between the options, first placing it in the fundamental rights and later moving it to the Directive Principles of State Policy under Article 45 of the Constitution.

The Constitution framers were with the view that right to education should exist in India, but at that time the position was different, so they had put it under Art.45 in Directive Principles of the State Policy. Initially, this Article states that the State make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years . The object of this directive was to abolish illiteracy from the country.

In Fundamental Duties Clause (k) has been inserted in Article 51-A by the Constitution (Eighty Sixth amendment) Act,2001 Article 51-A (k) imposes a fundamental duty upon every parent or guardian to provide opportunities for education to all children of the age of six to fourteen years in such manner as the state may, by law determine³⁷.

The Kothari Commission (1964-68) reviewed the status of education in India and made several recommendations including a common school system with a view to eliminating inequality in educational opportunities. Immediately, thereafter, National Policy on Education (1968) was formed as the first official document evidencing the Indian Government commitment towards school education system. It sought to adopt a common school system in order to promote social cohesion. Interestingly, it even required special schools to provide a proportion of free studentships to prevent social segregation in schools. Nevertheless, it retained the status of free and compulsory education as a directive principle. Subsequently, the National Policy on Education (1986) has reaffirmed the goal of globalisation of school education, but, once again this policy document did not discuss or aim to alter the legal status of free and compulsory education in India.³⁸

³⁷ Indian Constitutional Law Dr. J.N Pandey, 49th edition published by Central Law Agency

³⁸ Golden Research Thoughts, Volume 2, Issue 3, Sept 2012, Saravjeet Kaur¹ and Pinki Malik, 2 Landmarks In The Journey Of Right To Education In India

3.4 Conclusion

Although the judiciary has made right to education a fundamental right yet it is for the state to secure it to all the people. Without education human rights cannot be secured to people and the basic object laid down in the preamble of Constitution would fail.

CHAPTER: IV

RIGHT TO EDUCATION ACT 2009- CRITICAL ANALYSIS

4.1 GENERAL INTRODUCTION

The Right of Children to Free and Compulsory Education Act, 2009 is a milestone in the history of law making in India. Despite the recognition of right to education as a fundamental right in *J. P. Unnikrishnan v. State of Andhra Pradesh* and others which eventually led to the inscription of Article 21A followed by this legislation. The traces of RCFCEA, 2009 can be witnessed in the Post War Plan of Education Development of 1944, also called Sargent Plan. It recommended free and compulsory education for eight years in the six to fourteen age groups.

The Right of Children to Free and Compulsory Education Act, 2009 finally received the assent of the President on 26th August, 2009 to provide for free and compulsory education to all children of the age of six to fourteen years. The Act came into force on 1st April, 2010 as per Section 1 clause (3) of the said Act. The right to education has thus attained the same legal status as the right to life as provided by Article 21A of the Indian Constitution.

The Act provides every child of the age of six to fourteen years a right to free and compulsory education till the completion of elementary education in a neighbourhood school. Special provisions are envisaged for children who were not admitted in any school or who have not completed the elementary education.³⁹

³⁹ Legal India ,legal service &free resources portal, By- Noor Ameena ,Right to Education Act: An Overview

4.2 The salient features of the Right of Children for Free and Compulsory Education Act

- Free and compulsory education to all children of India in the six to 14 age groups;
- No child shall be held back, expelled, or required to pass a board examination until Completion of elementary education;
- A child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time limits, as may be prescribed: Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.
- Proof of age for admission: For the purposes of admission to elementary education. The age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof
- A child who completes elementary education shall be awarded a certificate;
- Calls for a fixed student-teacher ratio;
- Will apply to all of India except Jammu and Kashmir;

- Provides for 25 percent reservation for economically disadvantaged communities in admission to Class One in all private schools;
- Mandates improvement in quality of education;
- School teachers will need adequate professional degree within five years or else will lose Job;
- School infrastructure (where there is problem) to be improved in three years, else Recognition cancelled;
- Financial burden will be shared between state and central government

4.3 Aspects of the Act

According to this act every school shall conform to certain minimum standards defined in the Act. Government schools shall provide free education to all admitted children. Private schools shall admit at least 25% of children from weaker sections; no fee shall be charged to these children. Screening tests at the time of admission and capitation fees are prohibited for all children. No doubt the legislation is the most important tool to literate the young India and enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India and secure a strong and prosperous future. But the question that needs to be addressed in the present scenario is how far these provisions intrude the rights of the private educational institutions and more importantly the minority education institutions. Section 3 of the Act imposed an absolute mandate

upon all schools including private unaided and minority institutions to admit without any choice each and every child whosoever comes to take admission in the said schools in the neighbourhood.

Provisions of the Act violates the rights of private educational institutions under Article 19(1)(g) which provides maximum autonomy to private managements to run their institutions without any interference from the government. The 11-judge Constitution Bench of Supreme Court in the TMA Pai held that maximum autonomy should be provided to private educational institutions. Therefore requiring the private educational institutions to conform the provisions of Act would greatly minimize the autonomy henceforth violating there right under Art.19 (1)(g). Article 21(A) lays down the obligation to provide free and mandatory education to every child, only on the state not on the private organisations.

But the Supreme Court while hearing a batch of petitions filed by different associations of private and un-aided schools challenging the constitutional validity of the Right of Children to Free and Compulsory Education Act or Right to Education (RTE) Act 2009 observed that “The Right to Education Act is one of the means to identify a priority group and to help them. If the state is under obligation to do (provide education) it, then it can ask private schools to do it as well,” No doubt the private educational institutions also have social duty to provide education for poor children. But making mandatory for private education institutions to provide free education and interfering in their administration would curtail their rights. Until and unless these educational institutions are reimbursed the expenses incurred by the schools in providing 25% of the reservation and also providing some autonomy to these schools within another aspect is with regard to the rights of the minority educational institutions provided under Art.29 and 30 of the Constitution.

Enforcing the right to education law in these minority institutions will be unconstitutional. Under Article 30 of the Constitution, minorities are allowed to run and administer their own education institutions, without any. The autonomy of minority schools must be ensured. Articles 29 and 30 of the constitution provide the right to preserve distinct minority languages, scripts and cultures. It also grants minorities the right to establish educational institutions. Section 12 (c) states that 25 per cent of the seats should be allotted for the backward communities, poor and the marginalized. But the Supreme Court held in *P.A. Inamdar Vs. State of Maharashtra* that neither can the policy of reservation be enforced by the State nor any quota or percentage of admission be carved out to be appropriated by the State in a Minority Educational Institutions. The State cannot regulate and control the admissions in these institutions.

Section 21 of the RTE Act requires that 75 per cent of a school's management committee should consist of guardians or parents. This provision, if implemented, would violate the Constitution and the National Commission for Minority Educational Institution Guidelines.

In *T.M.A. Pai* case, the Supreme Court held that the freedom to choose the persons to be nominated as members of the governing body has always been recognized as a vital facet of the right to administer the educational institution. It further states that the government or the statutory authorities cannot induct their nominees in the managing committees/governing body of minority educational institutions.

Therefore, it is clearly held that the Minority educational institutions have absolute right to administer their institutions. The Section that requires setting up of School Management Committees under the Right to Education Act will not apply to minority institutions as it can't override Article 30 of the Constitution. There is no clarity on who will take the lead in financing the Act. Ideally, the central government ought to be

shouldering this duty in the light of the poor fiscal situation in most states. Acknowledging this reality, the Act notes that the states may seek a predetermined percentage of expenditure as grants-in-aid from the central government, based on the recommendations of the finance commission on assessment of additional resource requirements for any state. Be that as it may, the Act reveals an obvious contradiction when, on the one hand, it suggests that both the union and state governments have concurrent responsibility to finance the Act.

4.4 CONCLUSION

Therefore, in the concluding remarks it is wished to state that passing an act is not sufficient. The need of hour is to implement and monitor the act properly. The consistent monitoring and intention of the political will is a must to make it successful. According to the UNESCO's "Education for All Global Monitoring Report 2010", about 135 countries have constitutional provisions for free and non-discriminatory education for all. The much awaited Right to Education (RTE) Act which has been passed by the parliament of India should play an important role in achieving universal elementary education in India. The success and failure of RTE would largely depend on consistent political attention. Budgetary allocation of funds should be sufficient in this respect. The youth and civil society in India should come forward and spread the usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils. Social inequalities and monopolization by any group should not be permitted at any cost. Education which is free of cost up to a certain age must be accessible to all. The right to education is a fundamental right and UNESCO aims at education for all by 2015. India along with other countries of the world should also put sincere efforts to make this goal a real success.

CHAPTER: V

IMPLEMENTATION OF RIGHT TO EDUCATION ACT: PROBLEMS AND SOLUTIONS

5.1 Part I

“Everyone has the right to life, liberty, and security of person”⁴⁰

By the term ‘life’ as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The idea of protecting life within the context of human rights law is perhaps fundamental since, as the Higher Courts as well as various legal instruments has explained on numerous occasions, protecting right to life is nothing but protecting various aspects of right to life. According to Bhagawati J., *“We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms...”*⁴¹ The concept of a ‘dignified life’ guaranteed by Art.21 seems to be inexhaustible in range and scope. As per interpretation of Article 21 of Constitution of India, Supreme Court held various aspects like right to livelihood, medical care, shelter, health, etc. are nothing but the components of right to life. And Right to Education is one of them.

⁴⁰ Universal Declaration of Human Rights, 1948, Article 3

⁴¹ *Francis Coralie v. Union Territory of Delhi*, AIR 1981 SC 746

The right to life is the first and foremost of all human rights. It affects all other issues and without it, a person never gets the opportunity to exercise any other right. Simply put, without Life all other rights and issues are meaningless. There is no doubt that without education no life especially dignified life is possible and therefore right to education is an aspect of right to life. It is necessary to find out its legal status or statutory recognition.

5.2 Part II

Kofi Annan, 7th Secretary-General of the United Nations said, *“Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development”*⁴²

Right is a moral or legal entitlement to have or do something. So it has four aspects and these are morality, legality, entitlement, to have or do something. Here, First three aspects are or can be determined. The question is with the fourth, which gives rise to interpret the word ‘something’. ‘Something’ must have or able to get other three aspects in respect to sanctity. Education is one of the intrinsic parts of Human Rights. It is a basic need of a person as various other human rights can be accessible through the medium of education and knowledge. The importance of education should be our prime concern as it is an investment in the development of the nation and the mankind as well. The growth and development of a state is primarily dependent upon the quality of education given

⁴² The United Nations Children’s Emergency Fund (unicef), The State of the World’s Children Report, 1999

to the people. It not only increases the productivity but also promotes the prosperity of the human being.

Secretary-General Ban Ki-moon said, *“Our shared goals are simple. We want children to attend primary school and to progress toward higher education that will help them to succeed in life.”*⁴³

Thus we can see in the present day, the right of children to education is foremost important right in human development and future of the nations. But here lies the important aspect of it and that is –Whether merely providing the right is enough to achieve the development and the goals established at International as well as National level. And the answers we will get make us aware about the future prospects of this right. The education of the child must be directed to the development of child’s personality, talents, mental and physical abilities to their bright future. Education is necessary to acquire the real aims and objectives of Human Rights.

Audrey Hepburn, a British Actress and Humanitarian said, *“The quality education has the power to transform societies in a single generation, provide children with the protection they need from the hazards of poverty, labour exploitation and*

⁴³ UNAIDS, ‘UN Secretary-General Ban Ki-Moon launches “Education First” to send every child to school’, available at: <http://www.unaids.org/en/resources/presscentre/featurestories/2012/september/20120927educationfirst> (Visited on November 21, 2016).

disease, and given them the knowledge, skills and confidence to reach their full potential"⁴⁴

Thus it is more significant to supplement the right of children to education with various other essentials connected with it. International Instruments and various guidelines support such components of the right; if nation accumulates these principles into their national framework then it will achieve the goals set at International Level by various authorities.

5.3 Part III

The importance of Right to Education is explained by the United Nation's Committee on Economic, Social and Cultural Rights as, "It epitomizes the indivisibility and interdependence of all human rights."⁴⁵

There are International declarations and Conventions on Right to Education which includes The Universal Declaration of Human Rights 1948, The Covenants, The Fourth Geneva Convention 1949, Conventions relating to the status of Refugees 1951, The Convention on the Rights of the Child 1989, World Conference on Education for all 1990, Human Rights Council 2008 and various such instruments respecting, protecting and fulfilling Right of Children to Education.

⁴⁴ Good reads, 'Quotes by Audrey Hepburn', available at: <http://www.goodreads.com/quotes/234257-a-quality-education-has-the-power-to-transform-societies-in> (Visited on November 21, 2016).

⁴⁵ Plans of action for primary education (Twentieth session, 1999), U.N. Doc. E/C.12/1999/4 (1999), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 59 (2003)

The 1966 International Covenant on Economic, Social and Cultural Rights says,

“1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.”⁴⁶

Two internationally agreed frameworks on educational goals as set in 2000 are the Education for All (EFA) and the Millennium Development Goal 2- Achieve Universal Primary Education. These goals have vital part to play in respecting, protecting and fulfilling right of children to Education.

5.4 Part IV

In India, the Constitution provides and protects the right to education under right to life and liberty. It provides right to education as a fundamental right and imposes duty on state to provide and protect this right. The precedents provide legal foundation to the right to education. The Government enacted the law to protect the right of children to education. The RTE Act legally sanctions the right of children to education with the creation of various rights and duties in context with the right to education. It has been criticised and thus the need of the day is to fulfil the gap and loopholes of the Act and the efficient implementation mechanism of the Act.

The basic principle on which education policy in India should be formulated are in Part III, IV & IVA, i.e., Fundamental Rights, Directive Principles of State Policy and Fundamental Duties respectively. Some provisions of the Constitution of India are

⁴⁶ International Covenant on Economic, Social and Cultural Rights 1966, Article 13

dealing with the rights of children. The State has empowered to make special provisions for children. The employment of children under the age of 14 years has been prohibited. The Supreme Court in Unnikrishnan Case⁴⁷ ruled that the Right to Education is a Fundamental Right that flows from the Right to Life in Article 21 of the Constitution. The 86th Constitution Amendment Act, 2002 added Article 21-A Right to Education and modified Article 45.

The passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 guarantees the right of children to quality elementary education by the State with the help of families and Communities. But still the question remains that, will it achieve the purpose by mere passing of an Act or only providing education free and making it compulsory? In addition to that implementation is another issue in protecting these rights. The aim of Right of Children to Education is not to have only free and compulsory education but to provide a child enhanced awareness, greater openness, the courage to question and perseverance in searching for solutions and living in Society with dignity. The goal of elementary Education is to equip one with basic minimum levels of knowledge, attitudes, values and skills so to start the journey of one's life. And this is where Indian Legislation failed.

5.5 Part V

⁴⁷ *Unnikrishnan v. State of Andhra Pradesh*, (1993)1 SCC 645

Edmund Barton, an Australian Politician and a Judge, said, **“It is the duty of the State to educate, and the right of the people to demand education”**⁴⁸ Therefore here comes the duty of people along with the State Obligation to ask for rights.

The first international normative instrument on the right to education is the 1960 UNESCO Convention against Discrimination in Education (CADE). It consists of rights against discrimination, equality of opportunity, access to free primary education and the rights of minority groups. Article 4 of the CADE frames the legally binding clause and sanctions the duties and actions for States Parties. Article 5(1) (a) of the CADE says, “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”⁴⁹

There are three types of obligations on States: respect, protect and fulfill the right to education.⁵⁰ In addition to that the Millennium Development Goal no.2 also aims in achieving Universal Primary Education and the Education for All focuses on Right to Education goals. The Right to Education implies that national education systems of States

⁴⁸ Edmund Barton Quotes, *available at*: http://www.brainyquote.com/quotes/authors/e/edmund_barton.html (Visited on November 21, 2016).

⁴⁹ United Nations Human Rights Office of the High Commissioner, Human Right education in Primary and Secondary School Systems: Self-assessment Guide for Governments, (UNESCO, 2012)

⁵⁰ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10, *available at*: <http://www.refworld.org/docid/4538838c22.html>, (Visited on November 22, 2016).

must meet minimum standards in four interdependent areas and these are Availability, Accessibility, Acceptability and Adaptability.⁵¹

In *Brown v. Board of Education*⁵², the U.S. Supreme Court uttered, “Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

The comparative analysis of India with various other Countries in implementing right of children to education and respecting, protecting and fulfilling this right is also an important factor. It will give us the way to adopt the policies and implementation mechanism to achieve great success in achieving Millennium Development Goal and various other goals relating to Child Education. The positive results which are the

⁵¹ The United Nations Educational, Scientific and Cultural Organization, The Right to Education Law and Policy Review Guidelines, (UNESCO, 2014)

⁵² *Brown v. Board of Education*, 347 U.S. 483 (1954, Supreme Court of the United States)

outcome of various programmes from countries can be adopted in India to overcome the problem. The Indian laws and systems need to overcome the gap with International Law. In *O'Donoghue v. Minister for Health & Ors*⁵³, High Court of Ireland proclaimed that, "Although International Law, being a non-prescriptive branch of law, does not dictate to States how to organise their education systems or services, its principles have been recognised". Thus State is expected to apply these principles and standards in their application. The Scottish Laws are inculcating good ethics with futuristic approach in respecting, protecting and fulfilling the Rights of Children to Education.⁵⁴

5.6 Part VI

Malala Yousafzai, in her speech said, **"Let us pick up our books and pencils. They are our most powerful weapon."**⁵⁵ So it's our common responsibility to concrete the ideas in building the future. Lastly, the research will conclude with the suggestions and ideas that will help not only in fulfilling the gap between Indian Law and Policy and International Law and Policy Standard but also in strengthening the implementation mechanism aiming towards respecting, protecting and fulfilling the Right of Children to Education.

⁵³ *O'Donoghue v. Minister for Health & Ors*, 1993 I.E.H.C.2 (Ir.), (1993, High Court of Ireland)

⁵⁴ The Scottish Government Publication, The Scottish Government official web portal, available at: <http://www.gov.scot/Publications/2009/11/03140104/12> (Visited on November 22, 2016).

⁵⁵ Malala delivered this address on education to the United Nations Youth Assembly on 'Malala Day', her 16th birthday, The Guardian, available at: <http://www.theguardian.com/commentisfree/2013/jul/12/malala-yousafzai-united-nations-education-speech-text> (Visited on November 22, 2016).

The 165th Report of Law Commission of India⁵⁶ quoting the World Bank observation in November 1998, said, “India’s Primary Education Glass is two-thirds full, one-third empty”. But this is high time to test this, whether the remaining one-third is fulfilled?, whether the two-third is sufficient to face the 21st Century challenges in providing children the right of education?. Lastly, I would like to quote Nelson Mandela, former president of South Africa, 1993 Nobel Peace Prize laureate- **“Education is the most powerful weapon which you can use to change the world.”**⁵⁷

⁵⁶ The Law Commission of India, 165th Report on Free and Compulsory Education for Children November, (1998) available at: <http://lawcommissionofindia.nic.in/101-169/Report165.pdf> (Visited on November 23, 2016).

⁵⁷ Education for All (EFA), Resources for Speakers on Global Issue, available at: <http://www.un.org/en/globalissues/briefingpapers/efa/quotes.shtml> (Visited on November 25, 2016).

6.1 METHOD OF DATA COLLECTION

In the Research Process there are various types of data collection. As Data is divided into Primary and secondary, the choice can be made from methods like-

- ✓ Survey
- ✓ Experience
- ✓ Field study
- ✓ Case Study
- ✓ Content analysis

6.1.1 SURVEY AND QUESTIONNAIRE

Surveys can be done through

- Questionnaire
- Schedule
- Interview
- Observations

Questionnaire is the structured set of questions usually sent by mail, though sometimes it is delivered by hand also. Questionnaire is described as “a document that contains a set of questions the answers to which are to be provided personally by the respondents”.

6.1.2 SAMPLING

Sampling is who and how many subjects will be observed.

6.2 QUESTIONNAIRE

For this Non-Doctrinal Research we made two questionnaires – one for Teachers especially Primary School Teachers and second for Parents especially Parents of those children having their child 6-14 years of age.

QUESTIONNAIRE FOR TEACHERS: (See Annexure I)

QUESTIONNAIRE FOR PARENTS: (See Annexure II)

CHAPTER: VII

INTERPRETATIVE PHASE

7.1 DATA ANALYSIS, DATA INTERPRETATION AND REPORT

7.2 FINDINGS

I) QUESTIONNAIRE FOR TEACHERS:

a. DATA COLLECTION

Questionnaire Distributed: 50

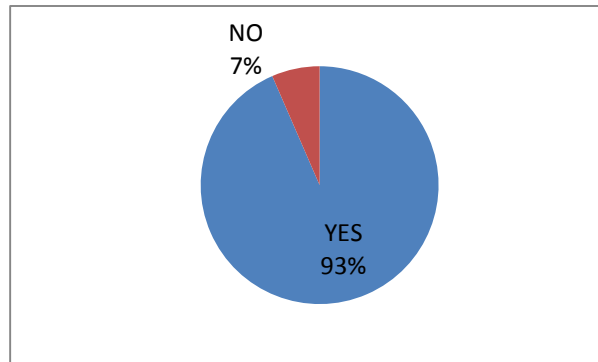
Questionnaire Re-collected: 50

Error (due to incompleteness): 04

Final Samples (without error): 46

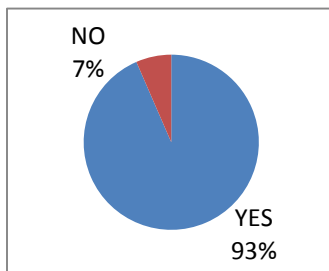
b. DATA ANALYSIS AND INTERPRETATION

1. Do you know about The Right of Children to Free and Compulsory Education Act, 2009 herein after refaced on "Said Act"?



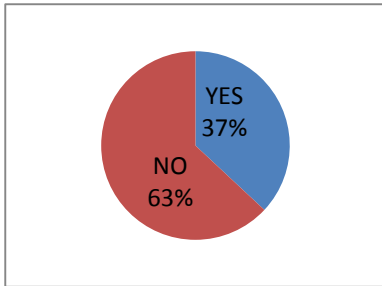
According to this diagram 7% teachers are not aware about this Act & 93% teachers are aware about the Act.

2. Do you know that every citizen of India has Right to Education as fundamental right incorporated under Indian Constitution?



In this diagram researcher found that 93% teachers having knowledge about right to education as a fundamental right. Only 7% teachers don't have such knowledge.

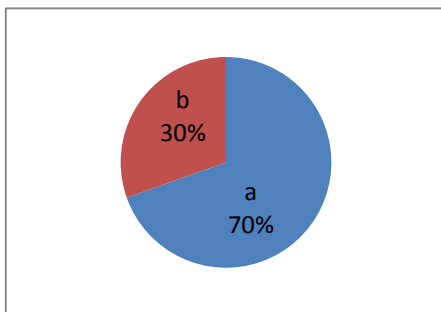
3. Whether in your school (Standard 1st to 8th) all students are taking advantage of the provisions of the “Said Act”?



Here researcher found that 37% students taking advantage of said Act and 63% students are not taking such advantage.

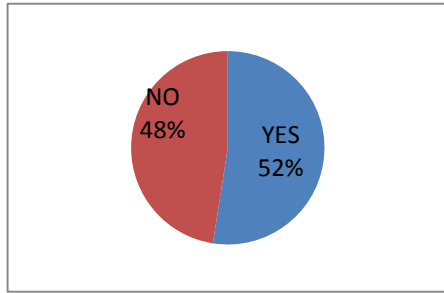
4. Student's admitted to your school belongs to nearby vicinity or otherwise?

- a. From nearby vicinity
- b. From other vicinity
- c. If yes, from other, then how far? Please Specify: - 7Kms.



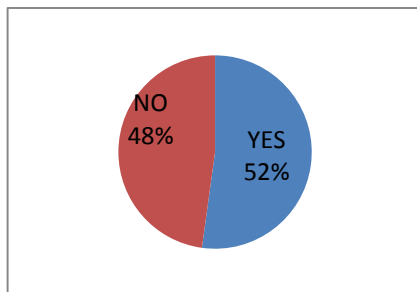
When researcher conducted research on above question, he found that, 30% students come from nearby vicinity and 70% students come from other vicinity (around 7Kms).

5. Whether students are given good and nutritious food in your school?



Teacher responded that, 52% students are given good and nutritious food in their school and 48% student are away from this benefit.

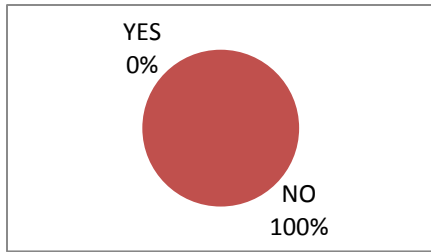
6. Whether your school is getting all facilities from the government, mentioned under the "Said Act"?



52% teachers stated that their school is getting all facilities from the government, mentioned under the Act and 48% teachers stated that their school is not getting all facilities from the government, mentioned under the Act.

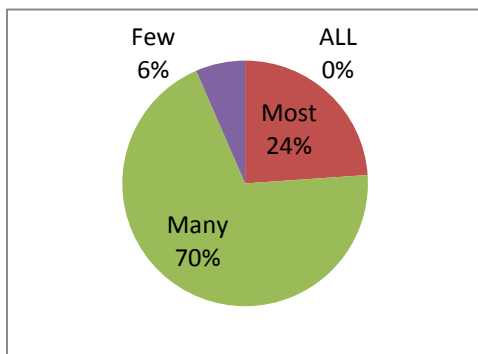
7. As per the provisions of the Act one who has not completed elementary education, can also complete it at any age. Have you ever admitted such student in your school?

If yes, are you facing any difficulties while dealing with such students? What kind of difficulties you are facing?



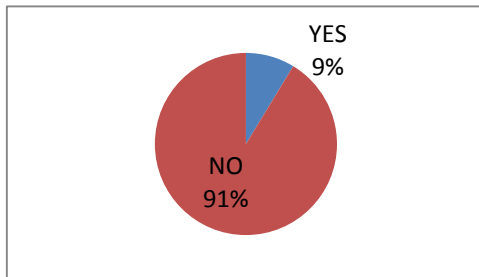
Any of the teachers never admitted such kind of student in their schools and 100% teachers agreed this.

8. Sec.10 of this Act casts duty on every parents/guardian to admit his/her child for an elementary education in the neighbourhood school. How many children in your area have been admitted to the school?



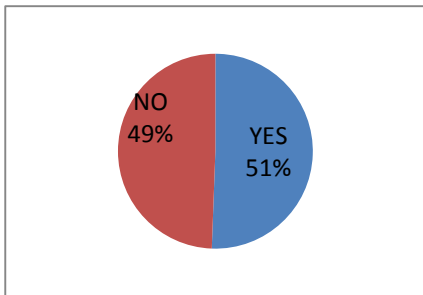
70% teachers stated many, 24% teachers stated most and 6% teachers stated few of students admitted by parents in school for elementary education.

9. Whether your school conducts screening of parents while giving admission to their children?



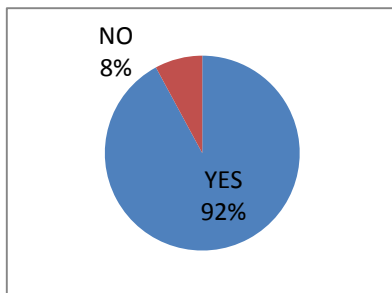
Researcher found that 91% teachers stated that there is no screening of parents while giving admission and only 9% stated that there is screening of parents.

10. Whether your school is having School Management Committee which is mandatory under the Sec.21 of the "Said Act"?



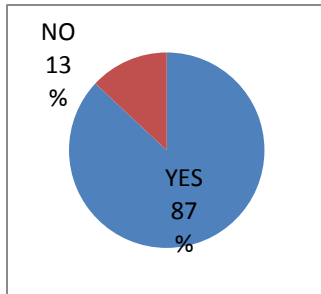
After inquiry researcher come to know that 51% teachers having School Management Committee in their schools and 49% teachers denied existence of such committee.

11. Do you have library in your school?



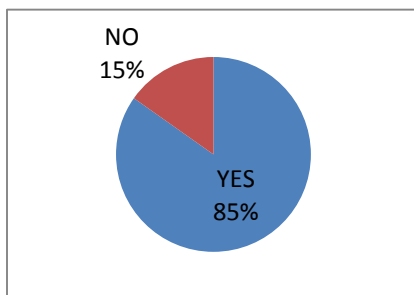
Researcher found that, 92% teachers having library in their school and 8% teachers does not have library in their school.

12. Whether school has its own playground/play material for students?



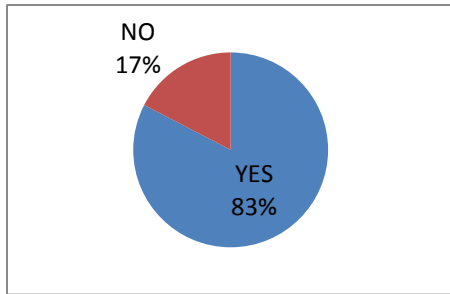
According to research 87% teachers stated that their school has its own playground/play material for students and 13% teachers stated that their school does not have its own playground/play material for students

13. Whether school has separate toilet blocks for boys and girls students?



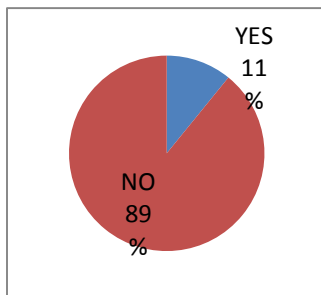
According to finding of researcher 15% teachers responded that their school doesn't have separate toilet blocks for boys and girls students. 85% teachers responded that their school has separate toilet blocks for boys and girls students.

14. Whether school is having separate kitchen for mid-day meal?



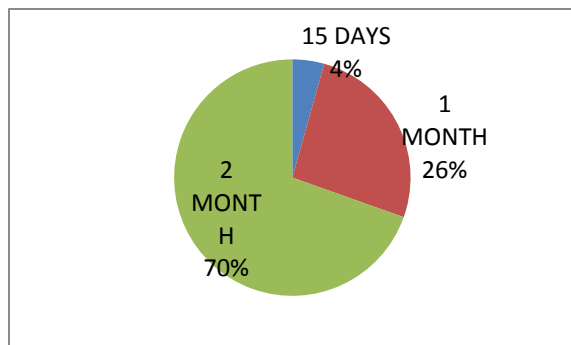
Researcher found that, 83% teachers having separate kitchen for mid-day meal in their school and 17% teachers doesn't have separate kitchen for mid-day meal in their school.

15. Whether school is having facilities for safe and adequate drinking water?



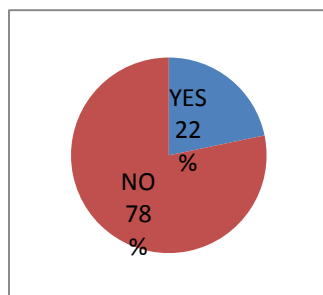
According to finding of researcher 89% school is having facilities for safe and adequate drinking water and 11% school doesn't have facilities for safe and adequate drinking water.

16. What is the regular time interval for cleaning the drinking water tank?



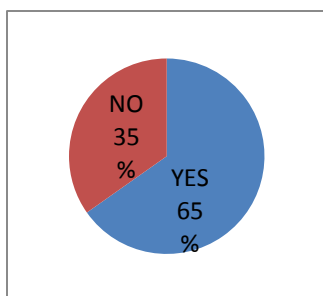
According to finding of researcher 70% schools cleans their water tanks in every two months. 26% in every one month and 4% in every fifteen days.

17. As per Sec.16 of the Act, “No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.” Is it justified according to you?



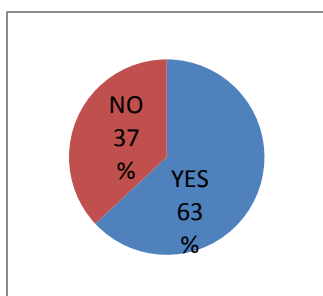
According to finding of researcher 78% teachers disagree with above provision and 22% agrees with it.

18. As per Sec.17 of the Act, “No child shall be subjected to physical punishment or mental harassment” Is it justified according to you?



According to finding of researcher 65% teachers disagree with above provision and 35% agrees with it.

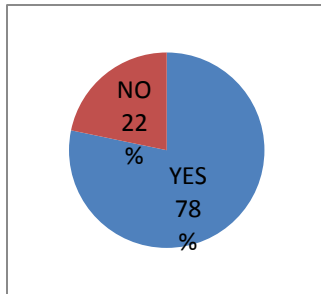
19. As per Sec.18 of the Act, “No school shall be established without obtaining certificate of recognition” Is it justified according to you?



According to finding of researcher 63% teachers disagree with above provision and 37% agrees with it.

20. As per the Sec.28 of the Act, “No teacher shall be engaged any private tuition” Is it justified according to you?

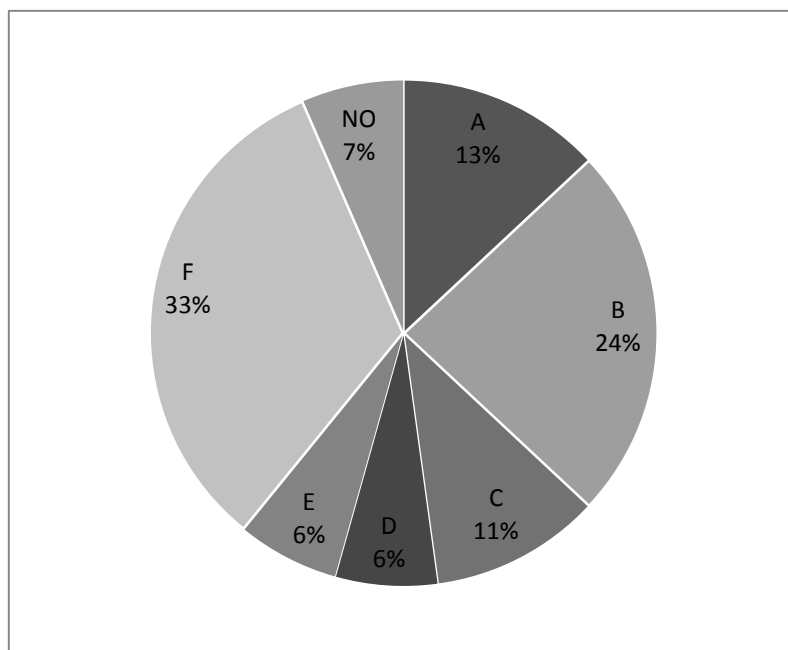
According to finding of researcher 22% teachers disagree with above provision and 78% agrees with it.



21. While implementing the “Said Act” are you facing any difficulties?

If Yes because of...

- A. Number of students
- B. Lack of facilities
- C. Irregular Parents -Teacher meeting
- D. In different attitude of government authorities
- E. Corruption
- F. Lack of awareness about Act



According to finding of researcher difficulties behinds implementation of the Act

13% teachers said –number

24% teachers said- Lack of facilities

11% teachers said Irregular Parents -Teacher meeting

6% teachers said - In different attitude of government authorities

6% teachers said- Corruption

33% teachers said - Lack of awareness about Act

c. FINDINGS

- 1 When researcher conducted research about awareness about the Right to Education Act, 2009 we found that 7% teachers are not aware about this Act & 93% teachers are aware about the Act. Means awareness among teachers about this Act is satisfactory.
- 2 Researcher found that 93% teachers having knowledge about right to education as a fundamental right. Only 7% teachers don't have such knowledge. It shows seriousness among teachers about this Act.
- 3 Here researcher found that 37% students taking advantage of said Act and 63% students are not taking such advantage
- 4 When researcher conduct research on above question. He found that, 30% students come from nearby vicinity and 70% students come from other vicinity (around 7Kms).
- 5 Teacher responded that, 52% students are given good and nutritious food in their school and 48% student are away from this benefit.
- 6 52% teachers stated that their school is getting all facilities from the government, mentioned under the Act and 48% teachers stated that their school is not getting all facilities from the government, mentioned under the Act.
- 7 Any of the teachers never admitted such kind of student in their schools and 100% teachers agreed this

- 8 70% teachers stated many , 24% teachers stated most and 6% teachers stated few of students admitted by parents in school for elementary education
- 9 Researcher found that 91% teachers stated that there is no screening of parents while giving admission and only 9% stated that there is screening of parents.
- 10 After inquiry researcher come to know that 51% teachers having School Management Committee in their schools and 49% teachers denied existence of such committee.
- 11 Researcher found that, 92% teachers having library in their school and 8% teachers does not have library in their school.
- 12 According to research 87% teachers stated that their school has its own playground/play material for students and 13% teachers stated that their school does not have its own playground/play material for students.
- 13 According to finding of researcher 15% teachers responded that their school doesn't have separate toilet blocks for boys and girls students. 85% teachers responded that their school has separate toilet blocks for boys and girls students
- 14 Researcher found that, 83% teachers having separate kitchen for mid-day meal in their school and 17% teachers doesn't have separate kitchen for mid-day meal in their school
- 15 According to finding of researcher 89% school is having facilities for safe and adequate drinking water and 11% school doesn't have facilities for safe and adequate drinking water
- 16 according to finding of researcher 70% schools cleans their water tanks in every two months.26% in every one months and 4% in every fifteen days
- 17 According to finding of researcher 78% teachers disagree with above provision and 22% agrees with it.
- 18 According to finding of researcher 65% teachers disagree with above provision and 35% agrees with it.

19 According to finding of researcher 63% teachers disagree with above provision and 37% agrees with it.

20 According to finding of researcher 22% teachers disagree with above provision and 78% agrees with it.

21 According to finding of researcher difficulties behinds implementation of the Act

13% teachers said –number

24% teachers said- Lack of facilities

11% teachers said Irregular Parents -Teacher meeting

6% teachers said - In different attitude of government authorities

6% teachers said- Corruption

33% teachers said - Lack of awareness about Act

II) QUESTIONNAIRE FOR PARENTS:

a. DATA COLLECTION

Questionnaire Distributed: 50

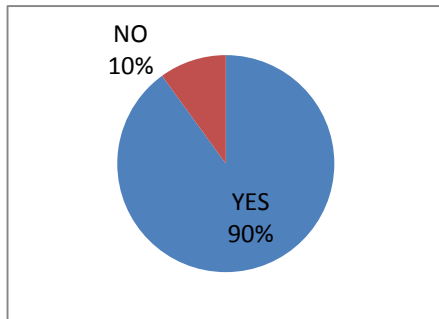
Questionnaire Re-collected: 50

Error (due to incompleteness): 10

Final Samples (without error): 40

b. DATA ANALYSIS AND INTERPRETATION

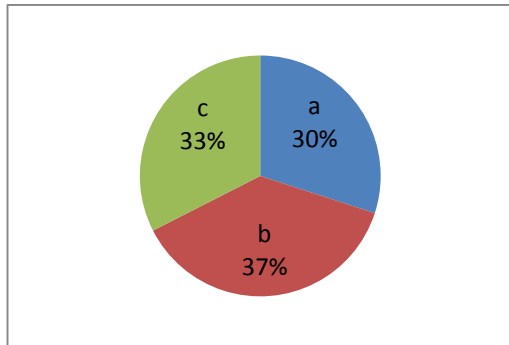
1. Whether children from your home are taking education?



Researcher found that 90% parents are sending their children to school and 10% parents are unable to send their children to school.

2. Who at very first made educational awareness?

a. M.Gandhi b. M.Phule c.P.Jawaharlal

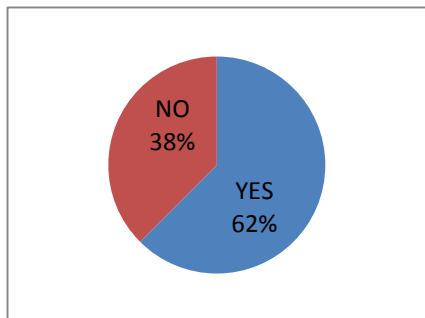


30% parents given answer as m. Gandhi

37% parents given answer as M. Phule

33% parents given answer as P. Jawaharlal

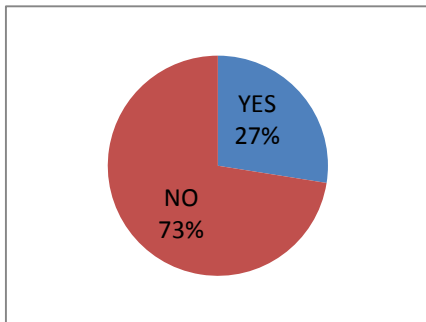
3. Do you know what fundamental rights are?



62 % parents do know about fundamental rights.

38 % parents don't know about fundamental rights.

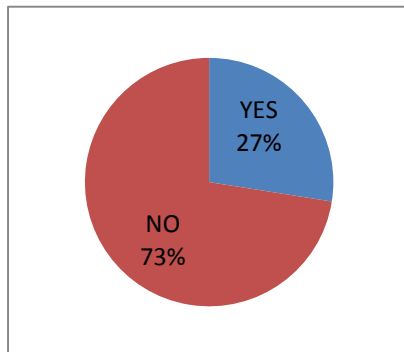
4. Do you know 'Right to Education' is our fundamental right?



27 % parents does know about right to education is fundamental rights

73 % parents doesn't know about right to education is fundamental rights

5. Do you know our Constitution provides for Right to Education to every

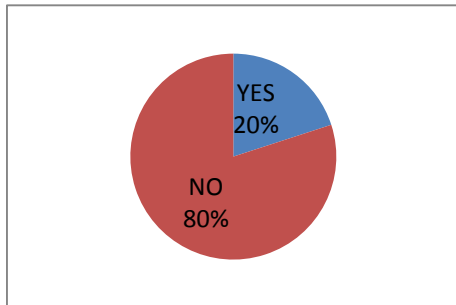


individual?

27 % parents does know about such rights

73 % parents doesn't know about such rights

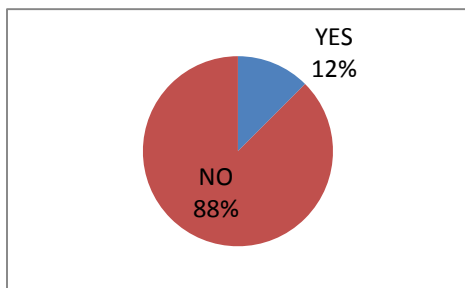
6. Do you know that children between 6 to14 are having free and compulsory education right?



20 % parents does know about such rights

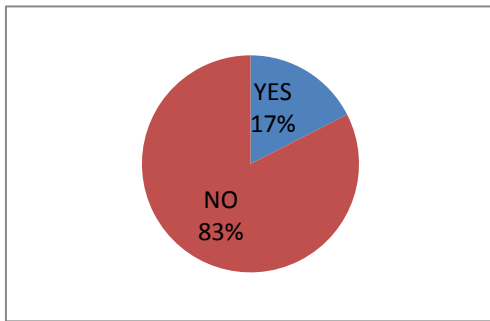
80 % parents doesn't know about such rights

7. Do you know in India we are having separate legislation for primary education?



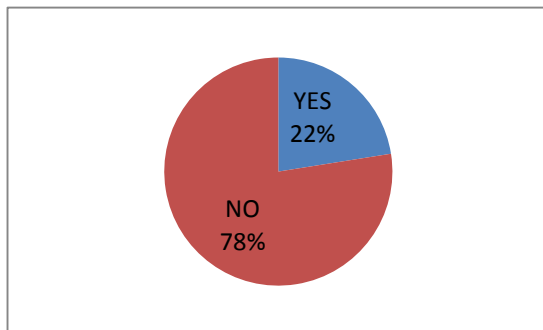
88% parents doesn't know about separate legislation for primary education and 12% parents knows about separate legislation for primary education

8. Does your child from 6 to 14 years age take advantage of Government Facilities?



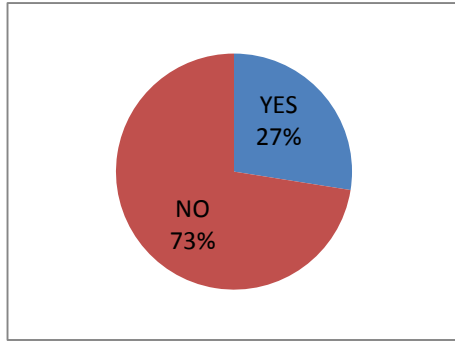
83% parents stated that their child doesn't take advantage of Government Facilities and 17% parents stated that their child takes advantage of Government Facilities

9. Do you know according to section 10 of this act it is the responsibility of the parent to send their child to nearby school?



78%parents are not aware about this provision and 22%parents are aware about this provision.

10. Have you given any interview at school for taking admission of your child to that school?



At school for taking admission of your child to that scho73 % parents doesn't faced any interview at school for taking admission of their child to that school and 27 % parents faced interview.

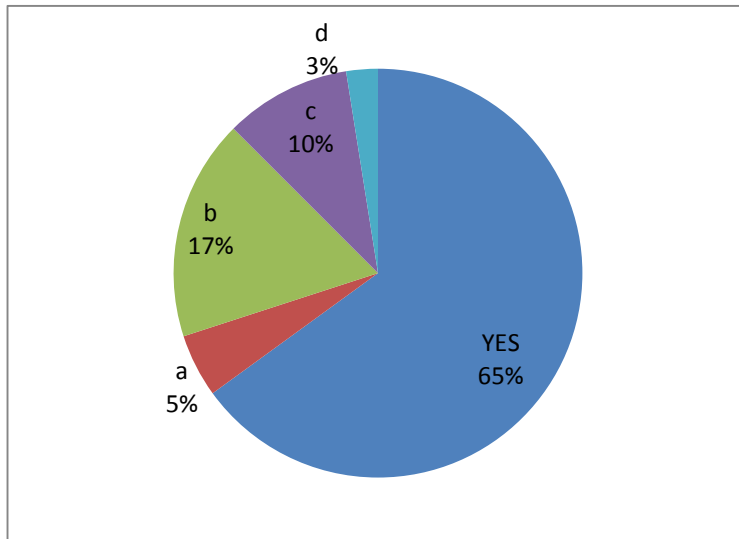
11. Does your child go to nearby school?

If No- Reason a. Quality of Teachers

b. Lack of Facilities

c. Medium of education

d. Other



65% parents send their children in nearby school. Reason provided by 35% parents not to send their child in nearby school in percentage as follows:

a. Quality of Teachers: - 5%

b. Lack of Facilities: - 17%

c. Medium of education: - 10%

d. Other: - 3%

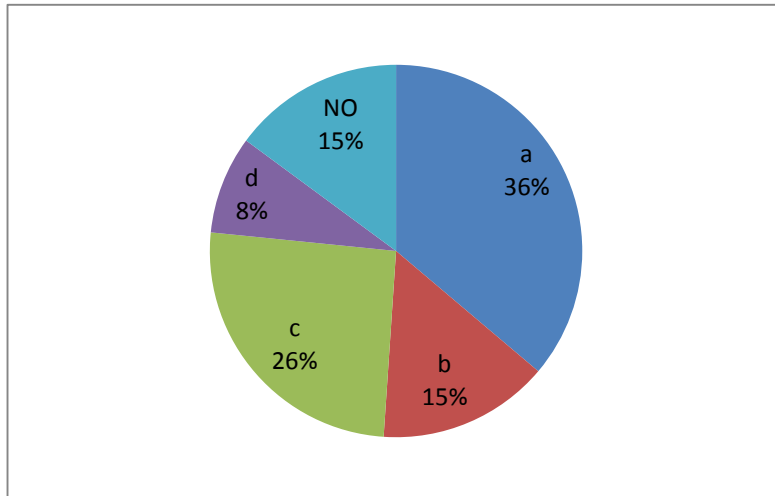
12. does your child facing any problems during his/her education?

If Yes- a. Economic

b. Physical and Mental Punishment

c. Mismanagement at school

d. Other



According to this diagram 85% parents stated that their child facing problem during education in percentage as follows:

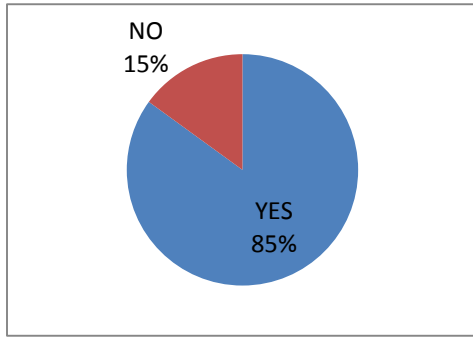
a. Economic: - 36%

b. Physical and Mental Punishment: - 15%

c. Mismanagement at school: - 26%

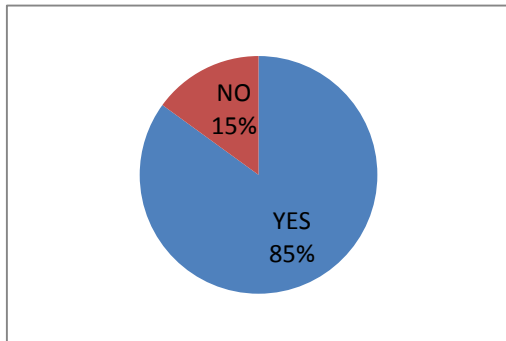
d. Other: - 8%

13. Does your child of 6 to 14 ages read and write?



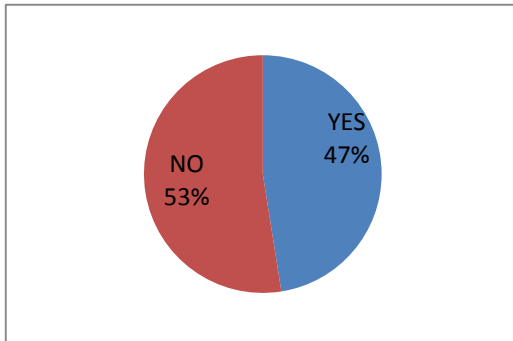
85% parents stated that their child can read and write and 15% parents stated that their child cannot read and write.

14. Does your child get School Meal every day at school?



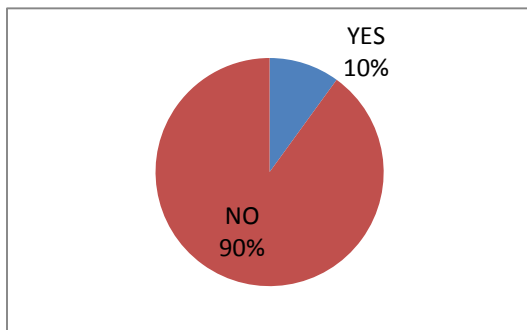
85% parents stated that their child get School Meal every day at school and 15% parents stated that their child not get School Meal every day at school

15. Have you find increase in merit of your child from level 1st to 8th?



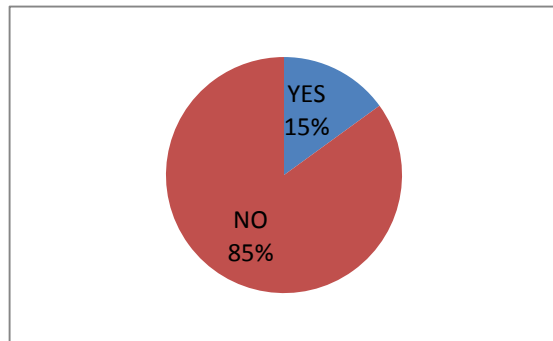
47% parents found increase in merit of their child from level 1st to 8th, and 53% parents not found increase in merit of their child from level 1st to 8th

16. Do you support the view of Government not to fail any student till 8th Std.?



90% parents does not supported such Govt. View and 10% parents supported such Govt. View

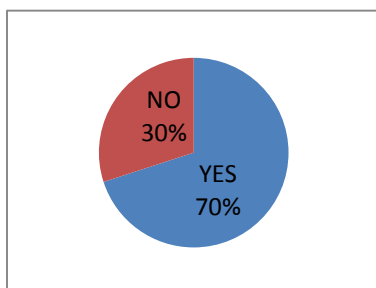
17. Do you know if your education is incomplete then according to this act you further can take you education again?



85% of parents does not know about such provision and

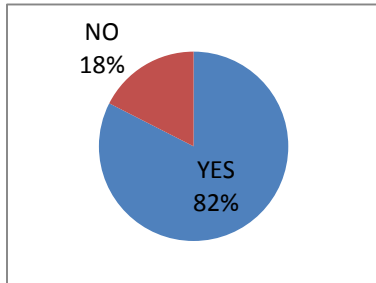
Only 15% of parents know about such provision

18. Are there any Adult Education-Programmes, schools, or Night school nearby to your area?



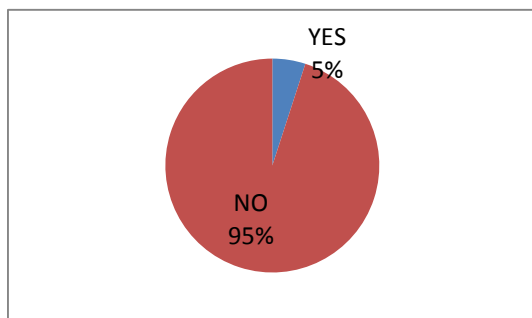
70 % parents stated that they know about such facility 30 % parents stated that they does not know about such facility

19. If you get chance to take education, are you interested for the same?



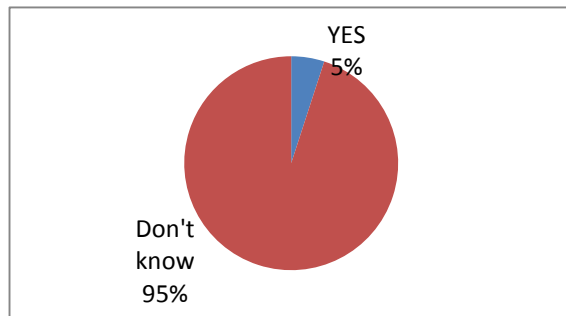
82% parents has shown such interest and 18% parents has not shown such interest

20. According to this Act, there should be School Management committee where 75% members should be Parents, do you know this?



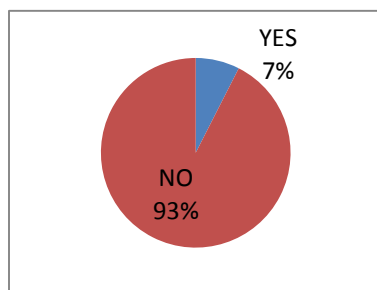
95% parents don't know about such provision only 5% parents are aware about the provision.

21. Does your child's school have such kind of committee?



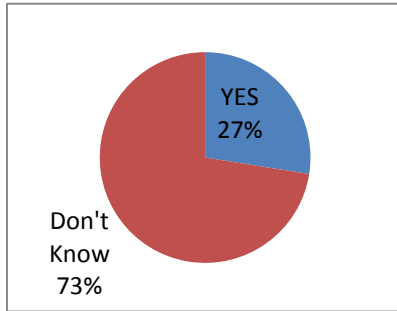
95% parents don't know about such kind of committee and only 5% parents are having School Management committee in their child's school.

22. According to this Act, there must be 1 teacher for 35 students, do you know this?



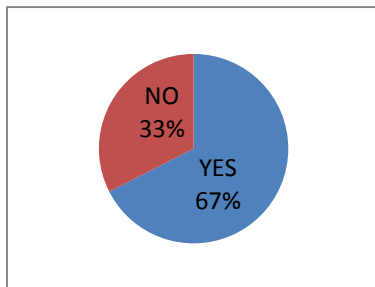
93% of parents don't know such provision and only 7% parents have such knowledge.

23. Does your child's school have their Library?



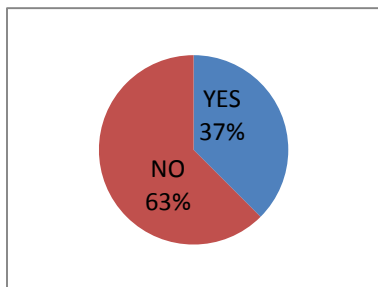
73% of parents don't know about such provision regarding school library and 27% parents having library in their child's school.

24. Does your child's school having their playground?



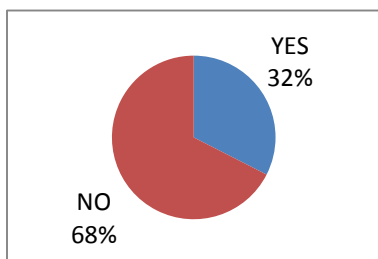
67% parents stated that there is play ground in their child's school and 33% parents stated that there is no play ground in their child's school.

25. Does his/her school having separate toilets?



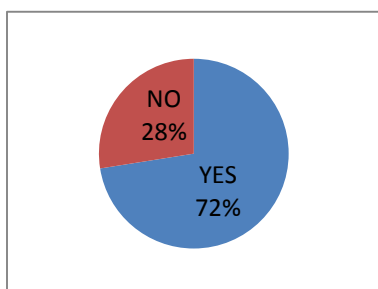
63% parents stated that in their child's school there is no provision of separate toilets and 37% parents stated that in their child's school there is provision of separate toilets.

26. Does his/her school having separate kitchen for making School meal?



68% parent stated that their child's school having separate kitchen for making School meal and 32% parent stated that their child's school not having separate kitchen for making School meal.

27. Does your child have facility of drinking water at their school?



72% parents responded that their child have facility of drinking water at their school and 28% parents responded that their child have facility of drinking water at their school.

c. FINDINGS

1. Researcher found that 90% parents are sending their children to school and 10% parents are unable to send their children to school.

2. 30% parents given answer as m. Gandhi

37% parents given answer as M. Phule

33% parents given answer as P. Jawaharlal

3. 62 % parents do know about fundamental rights.

38 % parents don't know about fundamental rights.

4. 27 % parents does know about right to education is fundamental rights

73 % parents doesn't know about right to education is fundamental rights

5. 27 % parents does know about such rights

73 % parents doesn't know about such rights

6. 20 % parents does know about such rights

80 % parents doesn't know about such rights

7. 88% parents doesn't know about separate legislation for primary education and 12% parents knows about separate legislation for primary education
8. 83% parents stated that their child doesn't take advantage of Government Facilities and 17% parents stated that their child takes advantage of Government Facilities
9. 78%parents are not aware about this provision and 22%parents are aware about this provision
10. at school for taking admission of your child to that scho73 % parents doesn't faced any interview at school for taking admission of your child to that school and 27 % parents faced interview ol
11. 65% parents send their children in nearby school. Reason provided by 35% parents not to send their child in nearby school in percentage as follows:
 - a. Quality of Teachers: - 5%
 - b. Lack of Facilities: - 17%
 - c. Medium of education: - 10%
 - d. Other: - 3%
12. According to this diagram 85% parents stated that their child facing problem during education in percentage as follows:
 - a. Economic: - 36%
 - b. Physical and Mental Punishment: - 15%
 - c. Mismanagement at school: - 26%
 - d. Other: - 8%

13. 85% parents stated that their child can read and write and 15% parents stated that their child cannot read and write.
14. 85% parents stated that their child get School Meal every day at school and 15% parents stated that their child not get School Meal every day at school
15. 47% parents found increase in merit of their child from level 1st to 8th, and 53% parents not found increase in merit of their child from level 1st to 8th
16. 85% of parents does not know about such provision and Only 15% of parents know about such provision
17. 85% of parents does not know about such provision and Only 15% of parents know about such provision
18. 70 % parents stated that they know about such facility 30 % parents stated that they does not know about such facility
19. 82% parents has shown such interest and 18% parents has not shown such interest
20. 95% parents don't know about such provision only 5% parents are aware about the provision.
21. 95% parents doesn't know about such kind of committee and only 5% parents are having School Management committee in their child's school
22. 93% of parents don't know such provision and only 7% parents have such knowledge.
23. 73% of parents don't know about such provision regarding school library and 27% parents having library in their child's school
24. 67% parents stated that there is play ground in their child's school and 33% parents stated that there is no play ground in their child's school
25. 63% parents stated that in their child's school there is no provision of separate toilets and 37% parents stated that in their child's school there is provision of separate toilets

26. 68% parent stated that their child's school having separate kitchen for making School meal and 32% parent stated that their child's school not having separate kitchen for making School meal

27. 72% parents responded that their child have facility of drinking water at their school and 28% parents responded that their child have facility of drinking water at their school.



RECOMMENDATIONS

1. The Right to Education act should not be restricted to the age of 14 years. It should be raised up to the secondary level or vocational level courses. The centre and the state government should introduce diplomas/degrees with specialization in IT , media, entertainment, telecommunication, mobile communication, automobile, construction, food processing as announced by Mr Kapil Sibal on February 8,2012 with due reservation for the economically weaker sections of the society in different polytechnic and other technical institutes.
2. CSS (Common School System) was an essential step for attaining equality decades ago but now a days it should be changed into MSS (Model school system) based on the needs and demands of the society where education should be given free of cost and on private institute patterns.
3. Parents need to play an important role to make RTE a major success in India. They should be motivated through counselling and made aware about the RTE Act through media, hoardings, pamphlets campaigns, rallies etc only then we can ensure our better future generation.
4. New state and central schemes like mid-day meal, SSA, RMSA along with world organization UNICEF are playing a vital role in increasing the enrolment ratio and providing the basic education to Indian children. But these national and international agencies should target weaker sections of the society, economically backward, females and highly populated states of India on top priority to improve efficacy of this act.
5. It is very essential to involve local governing bodies so as to enroll the new born babies and their record should be sent to near school. After that school authorities should follow up the child and sent the information for registration and admission to his/her parents without any discrimination or biasness.

6. Provision for strict punishment regarding the violation of this Act should be made and the responsibilities of state government, central government, parents, teachers, and administrators, Owners of the school, children and society members should be fixed. It should be made mandatory for all the government employees; whether state or centre or person working under centre or state sponsored agency, to send their children in government or government aided institutes.

7. Provision of Infrastructure in Schools:

The government should give the time based projects. First the government should invest in the building and infrastructure and then open a school. But here it is different. The school appears in papers and files first the building appears years" later. The other solution is that the government has many good government senior secondary schools like central schools, Jawahar Navodaya Vidyalayas and other government senior secondary schools with better infrastructures. These buildings can be used for primary schools. The shifts can be made for the school timings. The 11th and 12th class can have evening shifts. This can save a lot of investments to be made in the infrastructure of government primary schools.

8. The Regional Balance in Opening New Schools should be maintained:

The government schools should be opened where they are needed very much. An imbalance can be seen in the rural and urban sector of the school. For example in Pune city, one can find many government and private recognized school within the range of 1 Km, whereas you cannot find a good school in the remote rural areas of India. The government primary schools in these areas are in very pitiable conditions. The government can take care of this regional imbalance while opening or giving recognition to these schools. The government can instruct private sector to come forward to open the schools in the remote rural areas where the schools are far. It will solve the purpose of imparting quality education in the far furlong areas as well. The schools should be only

there where they are needed i.e. remote rural areas to vanish the regional imbalance in imparting the education.

9. The Teachers of Primary School should be Free from Extra duties:

According to the teachers of primary schools in Pune city the teachers are involved in many other duties other than teaching for example, the maintenance of building, to supervise the construction work and supply of the material, to check the preparation of mid-day meal and to send the correspondences. All these disturb the main function of the teachers. Their main duty is to provide education to the children. Therefore, it is suggested that the teachers should be involved into their basic duties of imparting education.

10. Active Youth, NGOs and Civil Society's Participation:

The awareness through civil society, youth, and NGOs has to be made for the weaker section to avail the rights and to accept them as a part of our society. All of us have to accept them with open heart to study with our kids" disregard of the fact of their socio economic background.



CONCLUSION

An active and honest participation of all the parties concerned is must to make this act successful. If we had been able to educate the entire nation then it was certain that we had already become the leading nation of the world on the sheer power of highest percentage of working age group. Unfortunately, at present most part of this working population illiterate, unskilled who cannot contribute substantially for the progress of the nation. As it is well said that Better late than never. Every citizen of the country right from a child, teacher or parent up to Member of Parliament or minister level should honestly admit their responsibility and perform their duty. They should compel the government in implementing the Act in true sense without any further delay and poor people should be encouraged towards Education. The question of ego, materialistic attitude, selfishness and false superiority complex should be eliminated from our society. The approach of getting government teacher or any other government job and sending the wards in private institutes even by paying hefty donations and capitation fees should be discouraged. By doing so, the RTE Act will prove to be a milestone for long term vision required for development of strong Education base of the future generation of our beloved country.

Therefore, in the concluding remarks it is wished to state that passing an act is not sufficient. The need of hour is to implement and monitor the act properly. The consistent monitoring and intention of the political will is a must to make it successful. According to the UNESCO's "Education for All Global Monitoring Report 2010", about 135 countries have constitutional provisions for free and non-discriminatory education for all. The much awaited Right to Education (RTE) Act which has been passed by the parliament of India should play an important role in achieving universal elementary education in India. The success and failure of RTE would largely depend on consistent political attention.

Budgetary allocation of funds should be sufficient in this respect. The youth and civil society in India should come forward and spread the usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils. Social inequalities and monopolization by any group should not be permitted at any cost.

Education which is free of cost up to a certain age must be accessible to all. The right to education is a fundamental right and UNESCO aims at education for all by 2015. India along with other countries of the world should also put sincere efforts to make this goal a real success.

ANNEXURE I

Questionnaires on Study of Right to Education

With a Special Reference to Pune

(For Teachers)

Name: _____

Sex: ☐ Male ☐ Female

Age: _____

Place: _____

Educational Institute (Optional):-----

Surveyed by

Sourabh Vasant Ubale

1. Do you know about The Right of Children to Free and Compulsory Education Act, 2009 herein after refaced on "Said Act"?

YES ☐ NO ☐

2. Do you know that every citizen of India has Right to Education as fundamental right incorporated under Indian Constitution?

YES ☐ NO ☐

3. Whether in your school (Standard 1st to 8th) all students are taking advantage of the provisions of the "Said Act"?

YES ☐ NO ☐

4. Student's admitted to your school belongs to nearby vicinity or otherwise?

d. From nearby vicinity

e. From other vicinity

f. If yes, from other, then how far? Please Specify _____

5. Whether students are given good and nutritious food in your school?

YES ☐ NO ☐

6. Whether your school is getting all facilities from the government, mentioned under the "Said Act"?

YES ☐ NO ☐

7. As per the provisions of the Act one who has not completed elementary education, can also complete it at any age. Have you ever admitted such student in your school?

YES ☐

NO ☐

If yes, are you facing any difficulties while dealing with such students? What kind of difficulties you are facing?

8. Sec.10 of this Act casts duty on every parents/guardian to admit his/her child for an elementary education in the neighborhood school. How many children in your area have been admitted to the school?
-

1. All

☐

2. Most of them

☐

3. Many of them

☐

4. Few of them

☐

5. None

☐

9. Whether your school conducts screening of parents while giving admission to their children?

YES ☐

NO ☐

10. Whether your school is having School Management Committee which is mandatory under the Sec.21 of the "Said Act"?

YES ☐

NO ☐

11. Do you have library in your school?

YES ☐

NO ☐

12. Whether school has its own playground/play material for students?

YES ☐

NO ☐

13. Whether school has separate toilet blocks for boys and girls students?

YES ☐

NO ☐

14. Whether school is having separate kitchen for mid-day meal?

YES ☐

NO ☐

15. Whether school is having facilities for safe and adequate drinking water?

YES ☐

NO ☐

16. What is the regular time interval for cleaning the drinking water tank?

1. 15 Days
2. 1 Months
3. 2 Months

17. As per Sec.16 of the Act, "No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education." Is it justified according to you?

YES ☐

NO ☐

If YES, Please specify reasons...

If NO, Please specify reason...

18. As per Sec.17 of the Act, "No child shall be subjected to physical punishment or mental harassment" Is it justified according to you?

YES ☐

NO ☐

If YES, Please specify reasons...

If NO, Please specify reasons...

19. As per Sec.18 of the Act, "No school shall be established without obtaining certificate of recognition" Is it justified according to you?

YES ☐

NO ☐

If YES, Please specify reasons...

If NO, Please specify reasons...

20. As per the Sec.28 of the Act, "No teacher shall be engaged any private tuition" Is it justified according to you?

YES ☐

NO ☐

If YES, Please specify reasons...

If NO, Please specify reasons...

21. While implementing the “Said Act” are you facing any difficulties?

YES ☐

NO ☐

If Yes because of...

G. Number of students

H. Lack of facilities

I. Irregular Parents -Teacher meeting

J. In different attitude of government authorities

K. Corruption

L. Lack of awareness about Act

ANNEXURE II

Questionnaires on Study of Right to Education (Marathi)

With a Special Reference to Pune

(For Parents)

Name: _____

Sex: ☐ Male ☐ Female

Age: _____

Education: ☐ up to 8th ☐ up to 10th ☐ up to 12th ☐ Graduate ☐ Post Graduate ☐ Other (Pl.Specify)

Occupation: ☐ Govt. Servant ☐ Self Employed ☐ House Wife Service

Place: _____

Surveyed by

Sourabh Vasant Ubale

1. तुमच्या घरातील पाल्य शिक्षण घेतो का ?

होय ☐

नाही ☐

2. भारतात सर्वप्रथम शिक्षणाचा प्रसार कोणी केला ?

1.म.गांधी 2. म.फुले 3.प.जवाहरलाल

3. मुलभूत हक्क म्हणजे काय हे आपणास माहित आहे का ?

होय ☐

नाही ☐

4. शिक्षणाचा अधिकार हा आपला मुलभूत हक्क आहे हे तुम्हाला माहित आहे का ?

होय ☐

नाही ☐

5. भारतीय घटनेत प्रत्येक व्यक्तीस शिक्षणाचा अधिकार आहे हे तुम्हाला माहित आहे का ?

होय ☐

नाही ☐

6. ६ ते १४ वयोगटातील मुलांना मोफत व सक्तीच्या शिक्षणाचा अधिकार आहे हे तुम्हाला माहित आहे का?

होय ☐

नाही ☐

7. भारतात प्राथमिक शिक्षणासाठी स्वतंत्र कायदा आहे हे तुम्हाला माहित आहे का?

होय ☐

नाही ☐

8. वयोगट ६ ते १४ वर्षातील तुमचा पाल्य शासनाच्या सोयी सुविधाचा लाभ घेतो का ? किंवा मोफत शिक्षण घेतो का?

होय ☐

नाही ☐

9. या कायद्यानुसार कलम १० मध्ये दिल्याप्रमाणे आपल्या पाल्याला प्राथमिक शिक्षणासाठी आपल्या घरा जवळील शाळेत पाठवणे प्रत्येक पालकांची जबाबदारी आहे तुम्ही पाठवता का ?

होय ☐

नाही ☐

10. तुमच्या पाल्याचा शाळेत दाखला करण्यासाठी तुम्ही मुलाखत दिली आहे का?

होय ☐

नाही ☐

11. तुमचा पाल्य तुमच्या घराशेजारील शाळेत जातो का?

होय ☐

नाही ☐

नसल्यास कारण -

शिक्षकाची गुणवत्ता

शिक्षणाचे माध्यम

सोयी सुविधांचा अभाव

इतर

12. तुमच्या पाल्याच्या शालेय शिक्षणात काही अडचणी आल्या आहेत का?

होय ☐

नाही ☐

असल्यास कारण -

आर्थिक

शाळेची अव्यवस्था

मुलांना मानसिक आणि शारीरिक शिक्षा

इतर

13. वयोगट ६ ते १४ वर्षातील तुमचा पाल्य लिहू-वाचू शकतो का?

होय ☐

नाही ☐

14. तुमच्या पाल्याला शाळेत दररोज शालेय पोषक आहार मिळतो का?

होय ☐

नाही ☐

15. इ.१ ते ८ वी पर्यंतच्या तुमच्या पाल्याच्या गुणवत्तेत सुधारणा आहेत का?

होय ☐

नाही ☐

16. शासनाच्या निर्णयानुसार प्राथमिक शिक्षण होईपर्यंत एकाही विद्यार्थ्यास नापास करता येणार नाही हे तुमच्या मते योग्य आहे का?

होय ☐

नाही ☐

17. आपले शिक्षण अपूर्ण राहिले असल्यास या कायद्यानुसार आपण आपले शिक्षण पूर्ण करू शकता हे तुम्हाला माहित आहे का?

होय ☐

नाही ☐

18. आपल्या परिसरात प्रौढ शिक्षण वर्ग चालतात का? किंवा रात्र शाळा आहेत का?

होय ☐

नाही ☐

19. शिक्षणाची संधी मिळाल्यास तुम्ही शिक्षण पूर्ण करू इच्छिता का?

होय ☐

नाही ☐

20. या कायद्यानुसार शाळा व्यवस्थापन समिती असायला हवी व त्यामध्ये ७५% सदस्य पालक वर्गातून असायला हवेत हे तुम्हाला माहित का?

होय ☐

माहित नाही ☐

21. तुमच्या पाल्याच्या शाळेत अशी समिती आहे का?

होय ☐

नाही ☐

22. या कायद्यानुसार प्रत्येक शाळेत ३५ विद्यार्थ्यांस १ शिक्षक नेमणे आवश्यक आहे हे तुम्हाला माहित आहे का?

होय ☐

नाही ☐

23. तुमच्या पाल्याच्या शाळेत ग्रंथालय आहे का?

होय ☐

माहित नाही ☐

24. तुमच्या पाल्याच्या शाळेत मुलांना खेळण्यासाठी मैदान आहे का?

होय ☐

नाही ☐

25. तुमच्या पाल्याच्या शाळेत मुला मुलींकरिता वैयक्तिक स्वच्छतागृह आहेत का?

होय

☐

नाही

☐

26. तुमच्या पाल्याच्या शाळेत मध्यान्ह भोजन (आहार) बनवण्यासाठी वेगळे माजघर आहे का?

होय

☐

नाही

☐

27. तुमच्या पाल्याच्या शाळेत मुलांसाठी पिण्याच्या पाण्याची सोय आहे का?

होय

☐

नाही

☐

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