

## RIGHT TO EDUCATION: ISSUES AND CHALLENGES

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### Abstract

*Education is a key for socio-economic progress of the nation. Education is the formal process by which society deliberately transmits its accumulated knowledge, skills, customs, and values from one generation to another. It is the essence of life. The existence of life without education is very difficult. Education is regarded as the engine of economic growth and social change of nation's economic development.*

*Education is one of the single-most important means for children to improve their personal endowments, build capability levels and overcome constraints and in the process, helps to enlarge their available set of opportunities and choices, resulting in a sustained improvement in their well-being. Education builds the platform for the citizens of a nation to enjoy good standard of living and a healthy meaningful life. No nation can dream of development without the spreading of education among its citizens.*

*"Education for all" declares that everyone has a right to education. Its aim is to give everyone a chance to learn and benefit from basic education—not as an accident of circumstances, or as a privilege, but as a right. Education is a fundamental right of every child and government should ensure that this right is delivered efficiently to children.*

*The right to education has been universally recognized since the universal declaration of human rights, 1948 and has since been enshrined in various international conventions, national constitutions and development plans. The passing of the right of children to free and compulsory education, i.e. RTE Act, 2009 marks a historic moment for the children of India. But mere passing of the act will not ensure that the goals laid down will be achieved. The challenges we are facing are many and multifaceted. They vary from our social behavior to perception, from priority to commitment, from will to compulsion and from service for the society to job opportunity.*

*There is an important interrelation between education and child labour. Child labour is a curse to society and it can be only eradicated by means of education. As an empowerment right, education is the primary vehicle through which economically, socially, and emotionally marginalized children can lift themselves out of poverty and obtain the means to participate fully in the communities. It is observed that the nation which has low literacy rate has high child labour so that literacy rate gets elevated and child labour is automatically lowered. The governmental policies should be designed in such a way that education reaches every doorstep of each house and no child is left without education.*

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*Mahatma Gandhi, writing in his selected works, said that "the school must be an extension of home; there must be concordance between the impressions which a child gathers at home and at school, if the best result are to be obtained".*

### **Position of Education at a Glance**

During the British period, progress of education was rather tardy. Literacy rates in British India rose from 3.2 per cent in 1881 to 7.2 per cent in 1931 and 12.2 per cent in 1947. The Indian literacy rate grew to 74.04% in 2011, yet this level is well below the world average literacy rate of 84%. In 1990, study projected that it would take until 2060 for India to achieve universal literacy at the current rate.

About 35% of the world's illiterate population is Indian. The NSSO (National Sample Survey Organization) and NFHS (National Health Survey) collected data that revealed that in India the percentage of children completing primary school is only 36.8 % and 37.7%. In 2005, Prime Minister said only 47 out 100 children enrolled in class I reach class VIII, which implies that the dropout rate is 52.78%.

### **Reason for the Low Literacy Rate in India**

Illiteracy is not caused by a lack of intelligence. It is often a result of outside factors or disabilities that can be addressed. A major cause of illiteracy is the economic condition of the people. Those living in poverty cannot afford to go to school and most of the children are put to work at a young age. Some undeveloped countries simply do not have the funds to invest in schooling.

A less known cause of illiteracy is cultural influences. Children learn a lot from their environment at a young age and are known to mimic the behavior of the people around them. This is why parents are encouraged to read to their children. It sets an example, showing how reading can be enjoyable. This can be applied to any educational activity. Parents with little desire to read or those that lack appropriate reading/learning skills themselves are more likely to subconsciously pass this trait onto their children.

Some people have argued that ignorance and unwillingness are causes of illiteracy for some people. There are people who believe that a child has no need for schooling and would benefit more from learning a trade. Some forms of severe dyslexia can sometimes lead to a person becoming illiterate although this can almost always be evaluated and improved.

The absence of adequate school infrastructure like improper facilities and inefficient teaching staff is one of the main factors affecting literacy in India. There was a shortage of six lakh classrooms, to accommodate all the students in 2006-2007.

In addition, there is no proper sanitation in most schools. A study conducted on 188 government-run primary schools in central and northern India revealed that 59% of the schools had no drinking water facility and 89% had no toilets. A Public Report on Basic Education (PROBE) team conducted surveys and reported that India had very poor infrastructure in 1999 and it was found that 25% of teachers were absent from school on any particular day in 2005.

In 600,000 villages and urban slum habitats, 'free and compulsory education' is dispensed by barely qualified 'para teachers'. The average pupil-teacher ratio across India is 1:42, implying teacher shortage. Such inadequacies resulted in a non-standardized school system where literacy rates may differ.

Furthermore, the expenditure allocated to education was never above 4.3% of the GDP from 1951-2002 despite the target of 6% by the Kothari Commission. This further complicates the literacy problem in India.

Severe caste disparities also exist. Discrimination against lower castes has resulted in high dropout rates and low enrolment rates. The National Sample Survey Organization and the National Family Health Survey collected data in India on the percentage of children completing primary school said that only 36.8% and 37.7% respectively had completed primary school.

On 21 February, 2005, the Prime Minister of India said that he was pained to note that "only 47 out of 100 children enrolled in class I reach class VIII, putting the dropout rate at 52.79 per cent." It is estimated that at least 35 million, and possibly as many as 60 million, children aged between 6-14 years are not going to school.

Absolute poverty in India has also deterred the pursuit of formal education. Education is not deemed as the highest priority among the poor who strive hard to meet other basic necessities of life. The MRP-based (mixed recall period) poverty revealed of about 22% of poverty in 2004-05 which translated to 22 out of per 100 people are unable to meet their basic needs, so that it is impossible for this section to pursue education. The large proportion of illiterate females is another reason for low literacy in India. Inequality based on gender differences resulted in female literacy rates being lower at 65.46% than that of their male counterparts at 82.14%.

In 1944, the Government of British India presented a plan, called the Sergeant Scheme for the educational reconstruction of India, with a goal of producing 100% literacy in the country within 40 years, i.e. by 1984. Although the 40-year time-frame was derided at the time by leaders of the Indian independence movement as being too long a period to achieve universal literacy, India had only just crossed the 74% level by the 2011 census.

The absence of adequate school infrastructure like improper facilities and inefficient teaching staff is one of the main factors affecting literacy in India. In addition, there is no proper sanitation in most schools. Many schools have no drinking water facility and most of them have no toilets. The average pupil-teacher ratio across India is 1:42, implying a teacher shortage.

During recent years, Rajasthan has made significant progress in the area of education. The state government has been making sustained efforts to improve the educational standard, on account of which the literacy rate of Rajasthan has increased significantly.

In 1991, the state's literacy rate was only 38.55% (54.99% male and 20.44% female). In 2001, the literacy rate increased to 60.41% (75.70% male and 43.85% female). At the Census 2011, Rajasthan had a literacy rate of 67.06% (80.51% male and 52.66% female). Although Rajasthan's literacy rate is below the national average of 74.04% and although its female literacy rate is the lowest in the country, the state has been praised for its efforts and achievements in raising both male and female literacy rates.

### Recommendations for Literacy and School Education

To achieve the targets of elementary and secondary education, we need to take the following steps:

1. Optimal upgradation of primary schools to elementary level and secondary schools to senior secondary level: Special strategies like the Education Guarantee Scheme (EGS) should be envisaged for the remote areas without accessibility to basic primary education. The focus should be now on achieving universalized accessibility at the elementary level and easy accessibility at the secondary level, by optimally merging the number of schools under two categories instead of four, i.e., one at the elementary level and the other at the secondary level.
2. Rationalization and redistribution of staff : At present, a major chunk of the expenditure on education is on salaries/state liabilities, leaving very little for actual development in education. The state government should try to utilize optimally the expenditure. It is very important to upgrade the primary schools to middle level, so that the shortage of teachers at the former is compensated by the excess at the latter, the teacher-pupil ratio being lower at the middle level than at the primary level.
3. Focus on pre-service/in-service teachers' training: The government should enhance the competency and skills of the teachers by promoting pre-service and in-service training for them.
4. Focus on teacher empowerment :The critical role of teachers in the entire education set-up must be realized. Emphasis should be made to address their professional development needs. Processes should be set up to initiate a participative mode for the teachers in the development of curriculum, text-book, teaching-learning material and methodologies.
5. Setting up an academic council: There is need for an autonomous academic authority, with multiple members to undertake sample studies to collect data about the functioning of institutions and learning capabilities of students.
6. Revamping the curriculum: There should be a special thrust to make education at elementary level useful and relevant for children.
7. Provision of infrastructure/optimum utilization of the existing infrastructure: Efforts should be made to bridge the infrastructural gaps. Schools should raise resources through voluntary organizations and panchayats, with the state government providing matching grants.
8. Changing the mindset of parents: As far as the social and cultural handicaps of enrollment and retention of girls in schools is concerned, the NGOs and PRIs need to be associated effectively to initiate an attitudinal change in the parents of the girl child.
9. Enhance incentives to all children in government schools: The various incentives being provided by the government should be for all children, irrespective of caste criteria (as is being adopted today) to achieve the goal of universalization of education.
10. Promoting free lunch: The mid-day meal scheme is not achieving the desired results. It is felt that some sort of packed, cooked and nutritious food should be supplied to children to attract them and retain them in the schools.
11. Village as unit of planning: To initiate a community-based approach, village should be the lowest unit for planning education. Village plans should converge to form the district educational plans.

12. Decentralization and community participation: It is essential that control of schools and teachers should be transferred to local bodies, which have a direct interest in teachers' performance. Decentralization will actually be achieved only when the panchayats, VEDCs and UEDCs become fully autonomous, with full financial powers to plan, manage and control the school affairs.
13. Increased allocation/resource mobilization for education: The state should substantially increase public investment and encourage private investments in education.
14. Private initiatives have to be facilitated: In recent times, a tendency has developed in people to send their children to private schools. There is need to facilitate and encourage private bodies to share the responsibility with government. It is, however, very important to ensure that the minimum standard and quality of education are maintained in the private schools.

### **About Right to Education Act**

The RTE act is not an innovative law. Universal adult franchise was opposed since most of the population was illiterate. Article 45 in the Constitution of India was set up as an act: "The State shall endeavor 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 fourteen years."

The education minister, M. C. Chagla, memorably said: "Our Constitution fathers did not intend that we just set up hovels, put students there, give untrained teachers, give them bad text books, no playgrounds, and say, we have complied with Article 45 and primary education is expanding ... . They meant that real education should be given to our children between the ages of 6 and 14 (Chagla, 1964)".

In the 1990s, with the financial aid of World Bank a number of measures were taken to set up schools within easy reach of rural communities. This effort was consolidated in the Sarva Shiksha Abhiyan model in the 1990s. RTE takes the process further, and makes the enrollment of children in schools a state prerogative.

The present Act was drafted as a part of the Indian Constitution at the time of Independence, but more specifically, it was part of the Constitutional Amendment that included Article 21A in the Indian Constitution, making education a fundamental right. This amendment, however, specified the need for a legislation to describe the mode of implementation of the same which necessitated the drafting of a separate education bill.

The bill was approved by the cabinet on 2 July 2009. The Rajya Sabha passed the bill on 20 July 2009 and the Lok Sabha on 4 August 2009. It received the President's approval and was notified as law on 26 August 2009 as The Children's Right to Free and Compulsory Education Act. The law came to be in the whole of India except the state of Jammu and Kashmir from 1 April 2010.

The Act ensured that education becomes the fundamental right of every child between the ages of 6 and 14. It specified the minimum norms to be followed in elementary schools. It required all private schools to reserve 25% of seats to children from poor families (to be reimbursed by the state as part of the public-private partnership plan).

It also prohibited all unrecognized schools, prohibited donation or capitation fees and the interview of the child or parent for admission. The Act also stated that no child should be held back, expelled, or required to pass a board examination until the completion of elementary education. It also made a provision for special training of school drop-outs to bring them at par with students of the same age.

The Act provided for a special organization, the National Commission for the Protection of Child Rights, an autonomous body set up in 2007, to monitor the implementation of the act together with the commissions to be set up by the states.

The salient features of the Right to Education Bill are:

1. Free and compulsory education to all children of India in the age group of 6-14 years.
2. No child shall be held back, expelled, or required to pass a board examination until the completion of elementary education.
3. A child who completes elementary education (up to class 8) shall be awarded a certificate.
4. Calls for a fixed student-teacher ratio.
5. Will be followed all over India except Jammu and Kashmir.
6. Provides for 25 percent reservation in class one for economically backward children in all private schools.
7. Mandates improvement in the quality of education.
8. School teachers will require adequate professional degree within five years or else they will lose job.
9. School infrastructure (where there is problem) to be improved in three years, otherwise recognition will be cancelled.
10. Financial burden will be shared by the state and central government.

**Challenges to Implementing RTE Act:** The historic Right to Education (RTE) act that promises to provide every child compulsory elementary education is set to face many hurdles. The following are the key challenges to implementing this historic fundamental right:

1. In the first year of implementation, the act is likely to face a shortage of Rs. 7,000 crore (Rs. 70 billion).
2. India needs at least 500,000 more teachers and without them the act will not be able to see success.
3. The number of untrained teachers in the country ranges from 10-40 percent of the total strength.
4. There are still many states that are not very eager to implement the act in true spirit mainly because of paucity of funds.
5. Hundreds and thousands of schools still don't have adequate infrastructure. Can they catch up with time or face a ban? Both ways, its a loss for the country.
6. There is no clear road map on how the government wants to help 8.1 million out of school children back to classroom.

7. Will there be a proper monitoring system to see its execution? If not Else it will fail and both state and the central government will blame each other for its failure.

Other challenges in implementing the RTE Act are:

According to the 2001 census, 8.5 crore children are out of school in India. However, the latest figures given by the Human Resource Development Ministry, is 80 lakh. This disparity is because the government has been trying to divide children into two categories.

According to the National Crime Records Bureau, every year around 65,000 children fall victim to trafficking. Only 10% of such cases are registered with the police. Officially, therefore, only 6,500 children are trafficking victims. Besides this, around 1.20 crore children who are involved in child labour (2001 census), cannot go to school.

One of the sections into which the government has tried to divide out-of-school children is by placing those who have never enrolled in school into one group. But here the question arises: if these children have never been enrolled in school, how have they been counted? By which agency? And what was the methodology adopted?

The second section includes children who have dropped out of school. Children who do not attend school for three months are considered to have dropped out. In some states the period is 15 days; in others it is one month.

Taking these two sections together, the total number of out-of-school children is around 80 lakh. Nevertheless, the disparity between the figures stated by the two departments reveals a drop from around 8 crore to 80 lakh, which is surprising! And even if the 80 lakh figure is correct, it is still a huge number and the children are not out of school because of choice. To believe that the RTE Act will magically put all such kids into classrooms would be naive.

Some states have claimed that there has been a jump of 120% in school admissions. This has to be taken with a pinch of salt. The 2011 census will make the picture clearer.

A recent survey under the Sarva Shiksha Abhiyan programme in Rajasthan found that 12 lakh children were out of school. Of these, 7.13 lakh children were girls and the rest were boys. Other states must carry out similar studies.

### **The Current State of Education in India in Comparison to Other Developing Countries?**

India's state of education is not effective enough to give basic literacy skills to the population. It has been observed that "the overall condition of the education system can be a powerful influence on the supply of child labour". The 1991 Census of India showed that 64% of males and 39% of females were literate.

India's primary school completion rate of 38.0% was also lower than China's rate of 70% and Sri Lanka's rate of 90.8%. Few students are reaching fifth or sixth grade, and dropout rates support this conclusion. Rates measured by the Department of Education show that 3.5% of males and 39% of females drop out.

One possible reason given by Nangia (1987) is that the family needs money and thinks school is a waste of time. This causes parents to take children from school and place them in the labour force. In this case, poverty and the inadequacy of the school system play significant roles in causing child labour, and also affect each other. Poverty leads to high dropout rates, and so no matter how good schools are, school completion rates and literacy rates will still remain low.

### **Compulsory Education**

The concept of compulsory education, where all school-aged children are required to attend school, fights the poverty that pulls children out of school. Policies relating to compulsory education not only force children to attend school, but also contribute funds to the primary education system, instead of higher education.

An example of a country where compulsory education has worked to reduce child labour is Sri Lanka. The Sri Lankan government decided to enforce compulsory education in the 1920s and 1930s. With this compulsory education policy, school participation rates rose from 58 percent in 1946 to 74 percent in 1963. The literacy rate also increased from 58 percent in 1946 to 86 percent in 1984 (Weiner 1991, 172). The corresponding result has been that the employment rate of children between the age group of ten to fourteen has declined substantially, and currently stands at 5.3% for males and 4.6% for females.

The state of Kerala distinguishes itself from the rest of India with its educational system. Kerala spends more money on school-level education than colleges and universities. Kerala's emphasis on primary education led to a dropout rate of close to 0%, a literacy rate of 94% for males and 86% for females, and a low child work participation rate of just 1.9% in 1971.

This is much lower than the Indian average of 7.1% in 1971. Weiner 1991 also points out that "The Kerala government has made no special effort to end child labour. It is the expansion of the school system rather than the enforcement of labour legislation that has reduced the amount of child labour."

Article 45 of the Constitution of India states 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 fourteen years." This goal has not yet been reached.

### **Conclusion**

Child labour is a significant problem in India. Its prevalence is evident from the child work participation rates which are higher in India than in other developing countries. The major cause of child labour is poverty. Even though children are paid less than adults are, whatever they earn is of benefit to poor families.

In addition to poverty, the lack of adequate and accessible sources of credit, forces poor parents to use their children as bonded child labourers. Some parents also feel that a formal education is not useful, and that children learn work skills through working. Another factor is poor access to education. In some areas, education is not affordable, or is found to be inadequate. With no other alternatives, children inevitably spend their time working.

The Constitution of India clearly states that child labour is wrong and that measures should be taken to end it. The government of India has set a minimum age of employment. This Act does state that all types of child labour are illegal. But, despite policies, enforcement is a problem. If child labour is to be eliminated in India, the government and those responsible for its enforcement need to start doing their jobs. Policies without enforcement are useless.

Education in India also needs to be improved. High illiteracy and dropout rates reflect the low quality of the education system. Poverty plays a role in the ineffectiveness of the educational system. Dropout rates are high because children are forced to work in order to support their families. The attitudes of the parents also contribute to the lack of enrollment. Compulsory education may help to tackle these issues. The examples of Sri Lanka and Kerala show that compulsory education has worked in those areas. Hopefully, in the future progress will be made towards imparting universal education, and stopping child labour.

Child labour cannot be eliminated by focusing on one cause, for example, education, or by strict enforcement of child labour laws. The government of India must ensure that the needs of the poor are fulfilled before attacking child labour. If poverty is addressed, the need for child labour will automatically be reduced.

Children grow up illiterate because they work when they should be attending school. A cycle of poverty generates child labour constant from one generation to the next. India needs to deal with the underlying causes of child labour and the enforcement of laws. Only then will India succeed in the fight against child labour.