

A STUDY EDUCATION RIGHT TOWARDS CHILDREN'S FREE AND COMPULSORY EDUCATION IN INDIA

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ABSTRACT

Education plays a cardinal role in transforming a society into civilized nation. It accelerates the progress of the country in every sphere of national activity. It operates as a 'multiplier' by enhancing the entitlement of all individual rights and freedom. It enables a person to control the benefits derived from other rights. It is 'the key to unlock and protect other human rights.' It embodies all civil political, social, economic and cultural rights. No segment of the citizens can be ignored or left behind because it would hamper the progress of the country as a whole. It is the duty of the State to do all it could, to educate every section of citizens who need a helping hand in marching ahead along with others. Although we have so many provisions and policies on the Right to Education, still we have failed to achieve this right as developmental right which was already foreseen by our constitution makers to be implemented in a predetermined span of time. Since independence, the target has not yet been achieved as reflected in the educational backwardness and poverty especially among certain groups of the society who have faced social discrimination.

Keywords: Education Rights, Free and Compulsory Education.

1. INTRODUCTION

Education is guided by the plurality of aims because of the different types of education, the many faces of human nature, different levels of education, the complex environment, different schools of philosophy and various ideologies. Education is not a limited venture. It cannot be bound within only a few aims. It can fulfill its responsibility only if it is governed by the ever expanding aims. Its limitless achievements are possible only if it is guided by the broadest possible aims. The aim of education should be modern, vision oriented, futuristic, clear cut and realistic. There should be no gap between what we aim for and what we actualize. There is need for balance between immediate and ultimate aims of education. In a democratic set-up, some of the prominent aims of education are: optimum development of the individual according to his interests, aptitudes and capabilities, developing his physical and mental capacities, inculcating good habits, lifestyle and character, all-round development of personality, providing liberal and vocational education and creating a sense of determination for progress, prosperity and modernization.

2. PURPOSE OF EDUCATION

According to the sociological perspective education does not arise in response to the individual needs, but it arises out of the needs of the society. The educational system of any society is related to its total social system. It is a subsystem performing certain functions for the on-going social system. The goals and needs of the total social system get reflected in the functions it lays down for educational system and the form in which it structures it to fulfill those functions. In a static society, the main function of the educational system is to transmit the cultural heritage to the new generations. But in a changing society, these keep on changing from generation to generation

and the educational system in such a society must not only transmit the cultural heritage, but also aid in preparing the young for adjustment to any changes in them that may have occurred or are likely to occur in future. In contemporary societies, “the proportion of change that is either planned or issues from the secondary consequences of deliberate innovations is much higher than in former times.” This is more so in societies that has newly become independent and are in a developing stage. Consequently, in such modern complex societies, education is called upon to perform an additional function of becoming an agent of social change.

Thus, the relationship between educational system and society is mutual; sometimes the society influences changes in educational system and at other times the educational system influences changes in the society. The social change may be in social goals, objectives and values. The changes may be in social values that directly affect the content of social roles and social interaction. For example, the adoption of equality as a value may ultimately lead to compulsory and free primary education, to expansion of primary educational facilities to all children up to the age of fourteen and to providing financial and other aid to backward classes for enabling them to avail of the expanded educational facilities. The social change may be ‘institutional’ which includes change in more definite structures such as form of organization, roles and role content. The adoption of democracy and adult franchise in India has made training in responsible and responsive citizenship absolutely necessary for the electorate. This may ultimately affect the content and the method of teaching in educational institutions as well as the teacher-taught relationships. The change may be in the size and composition of population.

The explosion of population with differential rates of increase in different regions, communities, socio-economic groups and age groups may necessitate many changes in the educational system. Students with different levels of intelligence and educational aspirations, belonging to different socio-economic classes, different castes and religious groups have begun to come in the same type of educational institution and are huddled in same classroom. All these changes also necessitate change in the educational system. Thus, different types of social changes occurring in society make the existing educational system dysfunctional to a certain extent and in course of time pressurize to bring changes in it.

3. WOMEN EDUCATION

The P.O.A. gave recommendations about the growth and development of women education. The programme of Early Childhood Care and Education (E.C.C.E) discussed above speaks of this attempt. To make provisions for crèches and opening day-care centre’s will definitely help the girl child to come to the schools, because then she will not be required to attend on the younger siblings when the parents go out on work. Appointment of at least one woman teacher out of two teachers under the ‘Operation Blackboard’ scheme and reservation on one-third seats for girls in Navodaya Vidyalayas are some concrete measures to give the girls what is their rightful due. It is an effort will would lead to women empowerment.

4. SOCIAL CHANGE AND GAPS IN INDIAN EDUCATIONAL SYSTEM

In response to social change educational system must also change. The change may be in consonance with the social change and meet the new goals and demands of various social groups adequately. Otherwise a gap is created between the goals and demands of the society and the goals and demands of the educational system. A number of such gaps have occurred in the Indian educational system after independence and in many ways perform a dysfunctional role in Indian society. This has been accepted by the Kothari Commission very clearly. It reported:

“As is well known, the existing system of education is largely unrelated to life and there is a wide gulf between its content and purposes and the concerns of national development. Instead of promoting social and national integration and making an active effort to promote national consciousness, several features of the educational system promote divisive tendencies; caste loyalties are encouraged in a number of private educational institutions; the rich and poor are segregated, the former attending the better type of private schools which charge fees while the latter are forced, out of circumstances, to attend free government or local authority schools of poor quality.

When a child is born his needs are confined only to his physical comforts. For e.g., Food when he is hungry, a comfortable bed to sleep etc. when he does not get it he feels uncomfortable, frustrated and he shows his frustration in the form of crying. The moment his need is fulfilled he is happy. There is hardly any difference between him and an animal’s young one. But gradually as he grows, he starts understanding the world. Every society has its own traditions, own values which are transmitted from one generation to the other. Hence what values and traditions are

acceptable to one society may not be acceptable to another. Every society wants its child to be educated in such a manner that he becomes an efficient member of the society.

The right to education is recognized as a human right by the United Nations and is understood to establish an entitlement to free, compulsory primary education for all children, an obligation to develop secondary education accessible to all children, as well as equitable access to higher education, and a responsibility to provide basic education for individuals who do not have primary education. In addition to these accesses to education provisions, the right to education encompasses also the obligation to eliminate discrimination at all levels of the educational systems, to set minimum standards and to improve quality.

5. EDUCATIONAL RIGHTS UNDER INDIAN CONSTITUTION

The Indian Constitution is a social document and the supreme law of the land. The founding fathers of the Constitution have incorporated a well-designed constitutional manifesto under Part-IV of the Constitution to achieve socio-economic justice. The Directive Principles of State Policy is not a catalogue but principles of good governance. It imposes certain obligations on the State to take affirmative action to establish a welfare State. These principles give directions to the functionaries of the State, the manner in which the Constitutional vision has to be achieved. One of the important directives is the duty of the State to provide free and compulsory education for all children until they complete the age of 14 years. As early as in 1978, the Supreme Court of India has widened the scope of Article 21 of Indian Constitution. The Court then held that, "the right to education flows directly from the right to life" as "the right to life and dignity of an individual cannot be assured unless it accompanied by the right to education.

Education is the primary vehicle for human, economic and social development, profiting both the individual and society. It is very difficult for individuals to exercise their civil, political, economic and social rights unless they receive the basic education. The Supreme Court in *Mohini Jain and Unnikrishnan* cases recognized the right to education as an implied fundamental right. According to the court, the education has proximate relationship with life, protection of environment, eradication of untouchability, child prostitution and other related rights. The National Commission on review of the working of the Constitution has also endorsed a similar view. As a result the Parliament inserted Article 21-A10 to the Constitution by the 86th Constitutional Amendment in 2002. This Amendment also introduced new fundamental duty on parents to provide education to their Children under to take affirmative action to fulfill the Constitutional mandate; the Parliament passed the Right to Education Act, 2009 with effect from April 1st 2010. The Act deals with various facets like appointment of teachers, standards, curriculum, infrastructure, community participation and responsibility of the State to provide primary education etc.

6. NATIONAL POLICY OF EDUCATION (NPE-1986)

The National Policy on Education according to the new policy, the 1968 policy goals had largely been adopted. In this policy called for 'special emphasis on the removal of disparities and to equalize educational opportunity', especially disadvantaged peoples like, Women, Schedule Tribes (STs) and Schedule Castes (SCs) Communities, Other backward Classes, minorities and disabled. There has been considerable expansion in educational facilities all over the country at all levels. The most notable development is the acceptance of a common structure of education throughout the country and the introduction of the 10+2+3 system by most States. The prioritization of science and mathematics had also been incorporated as compulsory subjects. The National Policy gives its recommendations right from the period of early childhood. It suggests a scheme of early childhood education. The Programme of Action (POA) underlines the need to organize programmes for the all-round development of children below the age of 6 years. It suggests the opening of day-care centers, requirements of suitably trained teachers at suitable wages all over the country, especially in the rural areas.. Anganwadis must be opened almost in all the villages. The purpose is to give due attention to the bringing up of the children away from the home in a homely and satisfactory for everyone. The P.O.A. also talks about the steps to be taken about the health of the expecting mothers or about the pre-natal care of the mothers.

7. UNIVERSAL ELEMENTARY EDUCATION (U.E.E.)

The Programmed of Action suggests that every school should provide education equal to the standard of minimum level of learning, to make U.E.E really universal, the P.O.A. adds that the community involvement in education should be actively sought. It advises to seek full cooperation of the voluntary agencies in their ventures. It also

recommends making education child-centered. It says that at least the bare minimum facilities should be provided for every in school. Keeping in view the pathetic condition of many schools, it gives the scheme of 'Operation Blackboard' (O.B). The scheme envisages providing for two reasonably large rooms usable in all kinds of weather; necessary toys and games material, blackboards, maps, charts and other learning materials that may serve as teaching aids. However, realizing the fact that our resources are much too meager to attract or retain all the children in formal system, it suggests the institution of non-formal education even for the children at the age of six. This channel is meant for the children who, because of one reason or the other, are unable to join the formal system.

8. NATIONAL PROGRAMMES FOR EDUCATIONAL DEVELOPMENT

Adoption of National Policy on Education (NPE), 1986 saw the introduction of a number of centrally sponsored schemes to cater the specific needs of the elementary education sector. Several schemes have been launched by the Central Government to meet the needs of the educationally disadvantaged group and for strengthening the social infrastructure for education viz. District Primary Education Programme, Sarva Shiksha Abhiyan, Operation Black Board, Education Guarantee Scheme and Alternative and Innovative Education, National Programme for Education of Girls at Elementary Level, Mahila Samakhya, Teacher Educating, Mid day Meals Scheme, Lok Jumbish, Shiksha Karmi Project, Janashala etc. Earlier 1990s there were a few large scale foreign funded projects on education. UNICEF and the ILO had funded some non-formal education centers, the Andhra Pradesh Primary Education Programme which was funded by the Department for International Development, UK, the Shiksha Karmi with Dutch funding and Lok Jumbish with funding from SIDA, were the only programmes operational. Since 1990, the Government of India began accepting funding for elementary education in the form of loans, with the World Bank being the largest creditor. The European Union is also a large donor. From the point of view of the World Bank, which provides the major component of the funds in the form of a loan, the funding seems to be linked to 'providing a safety net' within the overall policy of structural adjustment. Indeed, the first programme funded by the World Bank in Uttar Pradesh prior to DPEP, was referred to as a safety net programme. In 1993, the Ministry of Human Resource Development, Government of India conceived the DPEP as an umbrella scheme under which the support from all the different funding agencies would be channeled.

9. SARVA SHIKSHA ABHIYAN (SSA)

Arduous efforts have been made in the last six decades for the Universalisation of Elementary Education and to fulfill the mandate of the Indian Constitution. The National Policy on Education 1986 and 1992 also gave top priority to the achievement of universal elementary education. Many projects and programmes at the micro and macro levels have been undertaken in the past in this direction. Experiences have shown that with all the past interventions, there has been considerable progress in providing access to primary education, increase in enrolment and retention, improvement in school attendance and generation of strong demand for education, especially for girls. However, pupil achievement has been low and there have been inter-state and inter-district differences in pupil's attendance and achievement level.

Sarva Shiksha Abhiyan is launched in 2001-02. The Sarva Shiksha Abhiyan is also known as the Education for All movement or 'Each One Teach One'. It was introduced in 2000-2001 as the flagship programme run by the Government of India. This scheme is framed to provide useful and relevant elementary education for all children in the age group of six to fourteen by 2010. Sarva Shiksha Abhiyan is being implemented in partnership with the State Government to cover the entire country. It aimed to ensure that by 2015 all children in India are receiving eight years of basic education of acceptable quality, regardless of sex, caste, creed, family income or location. It combines a dual thrust on enrolment and equity with an emphasis on quality. The programme seeks to open new schools in those habitations which do not have schooling facilities within one kilometer (three kilometers in the case of upper primary), and strengthen existing school infrastructure through provision of a classroom for every teacher, a teacher for every 40 pupils, toilets, drinking water, free textbooks, school grants, maintenance grant and school improvement grants.

10. NATIONAL PROGRAMME OF NUTRITIONAL SUPPORT TO PRIMARY EDUCATION (MID DAY MEAL SCHEME – MDMS)

Centrally Sponsored intervention is the MDMS. The world's largest school feeding programme was launched on 15th August, 1995. With the aim to give a make better to Universalisation of primary education (UPE) by increasing enrolment, retention and attendance and simultaneously impacting on nutritional level of students in primary classes.

Mid-Day Meal (MDM) is playing important role in improving the nutritional status of children, or at least eliminating 'classroom hunger'. MDM can also play useful socialization roles especially in India's class and caste-ridden society. Sharing meal with children from diverse caste and class backgrounds can help overcome traditional social prejudices." The objects of the schemes are to improve the nutritional status of children in classes One to Five of the Government, the Local Body, and The Government aided schools, the Education Guarantee Scheme (EGS) and the Alternative Institute of Education (AIE) Centers; encouraging poor children, belonging disadvantaged sections, to attend schools more regularly and help them to concentrate on class room activities. The scheme was initially started in 2408 blocks and by the year 1997-98 the scheme was introduced in all blocks of the country. It was further extended in 2002 to cover not only children in classes One to Five of the Government; the Government aided, Local Body Schools but also children studying in the EGS and the AIE Centers.⁵⁹ The central assistance under the scheme consisted in September 2004 the Scheme was revised to provide for Central Assistance for Cooking cost at Re.1 per child per school day to cover cost of pulses, vegetables cooking oil, condiments, fuel and wages and remuneration payable to personnel or amount payable to agency responsible for cooking. Transport subsidy was also raised from the earlier maximum of Rs.50 per quintal to Rs.100 per quintal for special category states and Rs.75 per quintal for other states. Central assistance was provided for the first time for management, monitoring and evaluation of the scheme at 2% of the cost of food grains, transport subsidy and cooking assistance. A provision for serving mid-day meal during summer vacation in drought affected areas was also made, 60 this began to after November 28, 2001, when Supreme Court order in the Right to Food case to directed to all states to provide 'cooked meals' case refers to a public interest litigation officially known as Peoples' Union for Civil Liberties Vs. Union of India and others.

11. CONCLUSION

The Constitution of India and Supreme Court have declared that the education is now a fundamental right of the people of India, but it does not speak about millions of children who are in the age group of 0-5 years. It is needed that the Constitution should again be amended and the children of age group of 0 -5 years should be included; as by the time the child reaches the age of 6 years he/she gets in to the child labour due to the poverty. Moreover the Constitution only ensures that the state shall provide primary education to the children up to the age of 14 years, and the secondary and higher education is contingent and conditional upon the economic capacity of the state. The right to education will be meaningful, only if all the levels education reaches to all the sections of the people otherwise it will fail to achieve the target set out by our founding fathers to make Indian society an egalitarian society. The Act covers children who are already 6 years old. Therefore, it seems to be contradicting Supreme Court's judgment in Unnikrishnan case in 1993, giving all children 'upto' 14 years of age, a Fundamental Right to Education. Pre-school support is essential for children, and ignoring them less than six years of age could lead to the promotion of child labour and other forms of discrimination.

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