

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Right to Education in India to Achieve Millennium Development Goals

Mamta Viswanath

Ph.D. Research Scholar, Department of Politics and Public Administration
University of Pune, India

Abstract:

This paper provides a public policy perspective of the Right to Education in India. Right to Education is the latest fundamental right given by the Indian Constitution to its citizens. The Indian state now has the legal obligation to provide free elementary education to children between the ages of 6-14 years. To ensure that this education policy also does not drag its feet like all the previous time bound plans/policies, we just cannot stop with legislation. It has to be followed up by proper enforcement and implementation. Without a concrete framework and administrative machinery, the right to education cannot solve the puzzle of achieving access, equality, quality and the Millennium Development Goals in education. Secondly, the paper briefly analyses the previous education policies to understand their drawbacks. Those policies were broadly institutional and incremental in nature and thus falling short of expectations. Thirdly, the paper will highlight what positive changes the legislation of the Right to Education will bring about in education and thus help in achieving the Millennium Development Goals in Education. It is noteworthy that the formulation of the Right to Education saw a massive and nationwide opinion-building exercise. Lastly, the paper will discuss policy options available and best suited to achieve the Millennium Development Goals in education. It is a big challenge going uphill but not an impossible task.

1. Introduction

The Universal Declaration of Human rights in 1948 was the starting point for the universal recognition of the Right to Education (Right to Education Project). Political philosophers such as Thomas Jefferson and John Dewey have also recognized the all-important role played by education in truly democratic countries (Berger Eric, 2003). Education offers the opportunity for the marginalized groups succeed and realize life full of dignity, equality and freedom despite their disadvantaged and oppressive past [colonial rule and the denigrating caste system]. Education also helps them gain socioeconomic freedom. Many countries have signed up and ratified the UN Convention of the Rights of the Child (Millan David, Action Aid). While 75 countries give full constitutional guarantee to the Right to Education, 25 countries give partial constitutional guarantee to the Right to Education (www.un.org). Most of the countries have provided legislative and administrative frameworks to ensure that these rights realized in practice. Even with the UN and many developing nations' relentless efforts to universalize primary education, there are about 8 million children between the ages of 6-14 years out of school. Without India, the world cannot achieve the Millennium Development Goals in Education by 2015 (The Times of India, Pune Apr 1, 2010). The process of education in India is found to be discriminatory and affect the access to education. These groups are the Dalits, Adivasis, religious minorities and the girls, especially (Hindustan Times, 31 Mar 2005). India has one of the highest male-female equality gaps in literacy. Gender parity is the third Millennium Development Goal in Education which India is chasing.

Public policy encompasses all the activities the government chooses to do or not to do. The focus remains on detailing the content of the policy, analysing the impacts of social, economic and political factors on the content of the policy, finding out the effects of different government agencies and political response and actions on public policy; and evaluating the policy outcomes (Dye, Thomas, 2002). The education policies implemented by the Indian government so far have been mostly institutional and incremental in approach; institutional in the sense that the government legitimizes its policies, makes them universal and enforces its implementation. These have been incremental also as the policies are a continuation of previous government policies with only few modifications, improvements and changes. Existing programs and policies are considered as a baseline and so the new programs or policies just increase provisions, decrease or modify the current program. Whereas the present education system demands complete overhauling and we need a more rational approach to policymaking.

2. Methodology

This study draws from case study work to evaluate broadly the transition in educational reforms in India with the formulation of the Right to Education bill in 2005 and subsequent efforts to legalise the same. Field work was conducted in Pune city and Guwahati metropolitan area from March 2009 to March 2011. Through a series of interviews, surveys and direct observation data was gathered primarily regarding the present status of schooling in India and administrative practices, innovation and possible educational and administrative outcomes of the Right to Education. Interviews with important stakeholders, teachers, school

principals, Sarva Shiksha Abhiyan officials, teacher training instructors, research scholars, parents and educationists were conducted to gain fuller perspective on schooling and educational policy in India.

3. A Public Policy Perspective of the Right to Education

The Right to Education can be defined as a fundamental right which can be claimed by a child and the government can be made accountable if access to education is denied (Taylor Liba, ActionAid). It means that all those who do not have access to education have been violated and discriminated against. The Right to Education means that governments and international communities can be held accountable for not providing access to education. For education to be a meaningful right it must be available, accessible, acceptable and adaptable (Tomasevski Katarina). According to the Amman Affirmation, the Right to Education is the right to participate in a meaningful life of modern-age world through access to education.

India has signed up three major international instruments that guarantee the Right to Elementary Education - Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966 and the Convention on the Rights of the Child, 1989 (Aradhya Niranjana and Kashyap Aruna, 2006). Presently, under Article 21 of the Indian Constitution, "every child between the ages of 6-14 years has a fundamental right to education which the State shall provide in such manner as the State may by law determine." After several failed attempts to pass the Right to Education bill, the Right of Children to Free and Compulsory Education [RTE] Act, 2009 came into effect on April 1, 2010. With this the Right to Education has become legal and the latest public policy in education.

4. Background of Educational Policymaking in India

After independence various committees and commissions were set up to study the educational need of the nation. First milestone in education sector was the Kothari Commission Report submitted in 1964-65 by Dr. D.S. Kothari. It recommended a Common School System and stressed on equitable quality of education for all types of schools, be they Government, Government-aided, local body or private schools. In 1986 National Policy on Education and its revised policy formulations envisaged the goal of 'Education For All'. The NPE 1986 and 1992 were landmarks in the field of women's education as it recognized the need to remove gender imbalances in educational access and achievement. Mahila Samakhya program was launched in 1988 in 10 districts in the states of UP, Karnataka, Gujarat and Assam for education and empowerment of women in rural areas. In 1987, Ministry of HRD launched 'Operation Blackboard' stressing on infrastructure and basic necessities reform. The program of DPEP [District Primary Education Program] was initiated in 1993 in 43 districts of seven states namely Assam, Haryana, MP, Karnataka, Kerala, T.N and Maharashtra. After DPEP the union government launched the Sarva Shiksha Abhiyan [SSA] in 2001. Unlike the DPEP, the SSA is funded entirely by domestic resources. Mid-day Meals provision has been successful in increasing enrolment, attendance and retention of students.

The public policy models adopted by the Indian governments have been based on bureaucratic and public choice model [11]. The bureaucratic model looks at public policy as a continuous process to address the needs of people. This model serves good in attending to routine problems. But it fails when socio-economic and political issues requiring high involvement of bureaucrats as well as politicians come up for trials. The Input- Output model of public policy as shown in Fig.1 was used in the later years wherein demands are placed and support is extended in the form of political socialization, interest groups activities and political dialogues. This model was extensively in use till 1990s as there had been tremendous increase in the number of interest groups and political parties.

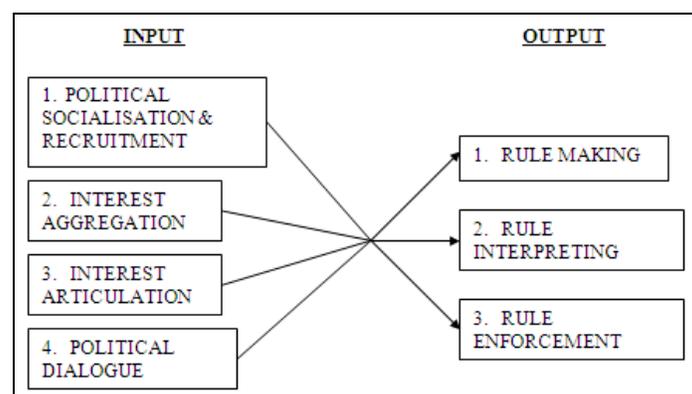


Figure 1: Input-Output Model [11]

The Feedback model as shown in Fig.2 details the informal side of policy-making process as well as its implementation. Here, the factors like demands, resources and support emanating from the political parties are taken as inputs, and policy outcomes in the form of decisions, impacts and actions are taken as outputs. In India, this model has been used for public policy formulation and implementation.

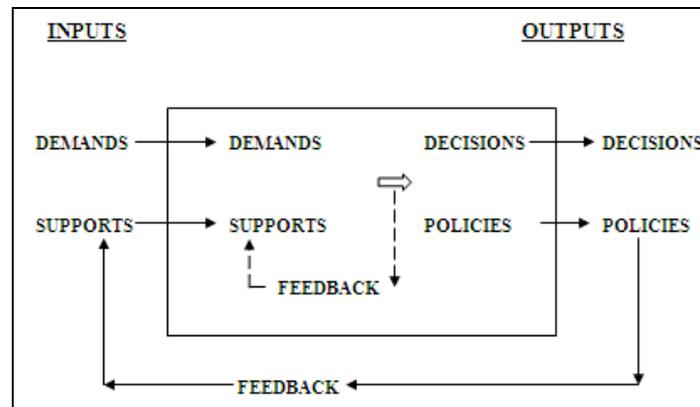


Figure 2: Feedback Model [11]

By using these models the whole policy-making and implementation suffers a setback as the approach is wrought with problem of high degree of informality. This informal attitude prevents fuller comprehension of the policy processes. To improve schooling system we have to understand the relationship between income, productivity and economic growth and the quantity of schooling of individuals. The government under public pressure has been gradually increasing investment in school education through inputs like opening new schools, strengthening the infrastructure, providing mid-day meals etc. But these are not adequate and ignore the incentives within the schools [12]. This has resulted in continued policy failures as the system has not been able to attract adequate number of professionally qualified teachers. Teachers being important pillars of the system have been totally ignored. There is yet another aspect of public policy-making. Public policies may be put in three different categories [7]:-

- **Allocational Policy.**

These policies produce and disburse public goods and services to the consumers-taxpayers-citizens. These will include a broad range of state and local government services like education, health, welfare, roads, police, fire protection, sanitation, water, parks etc.

- **Developmental Policy**

These are the policies oriented towards economic growth and will include industry, transportation facilities, urban development etc.

- **Re-distributional Policy**

These are framed to re-proportion income and wealth to benefit disadvantaged sections of the society. These will include welfare programs, health care for the poor, employment programs like NREGA, PWD's low-income housing projects, Sulabh Shouchalayas (Pay and use public toilets) and progressive tax policies. According to the analysts the state and local governments are better equipped institutionally to frame and implement allocational and developmental policies. The central government may have better institutions to formulate re-distributional policies.

Yet another theoretical aspect of policy processes is that of legislative versus ministry-led reform strategies [13]. Many Latin American countries have implemented some form of decentralization policy in education. First strategy is that of putting in place a comprehensive normative and legal framework [For example, Mexico and Columbia]. Here the Ministry of Education plays a leading role in the formulation of policies and legislation which ultimately has to pass through the political process of garnering approval from the national legislature. This strategy stresses on consistency, comprehensiveness and a direct notion of final outcomes. However it has shortcomings like that of increasing opposition, development of unforeseen hurdles, preventing learning by doing, enforcement of a one-size-fits-all approach, may be less cost-effective and result in policies made to win votes. On the other hand a second strategy is to start with de facto changes with low legislative involvement and no legal backing [example Nicaragua]. Here the stress is on operational viability, local responsiveness, learning by doing, cost effectiveness and greater involvement of education officials. The shortcomings of this strategy will include vulnerability to reversal and even total abandonment of programs, confusion and lack of transparency.

5. Shortcomings of Previous Education Policies

After gaining independence the successive central governments have not focused on education as a national priority. Government statistics show that between 1951 and 1955, public expenditure on education was less than 1 per cent of the total GDP of India [14]. Reputed social activist Dr. L.C Jain commented that during 1951-61, Article 45 'lay under a lid'; there was not to be found a passing reference to education let alone to Art.45 in the budget speeches [15].

- **National Policy on Education 1968**

Its general formulations did not translate into a comprehensive and detailed strategy of implementation. Also, specific responsibilities were not assigned nor were financial and organizational support made available.

In 1976, through a constitutional amendment, education was placed in the concurrent list. But it did not result in any relevant and marked changes. With central government assuming greater role in providing education, in 1991, India's literacy rate was only 52.21 percent

- National Policy on Education 1986
It gave priority to universalisation of primary education and improves adult literacy. Several schemes such as operation Blackboard [MHRD 1987] have not been successful (DPEP) as one time support cannot create much improvement. Below par facilities, ineffective transition of curriculum and the Finance Ministry's inability to provide required funds proposed by the HRD ministry sum up the total failure of government efforts.[16]
- Sarva Shiksha Abhiyan (SSA)
This program stressed on Education for All (EFA). To achieve universal elementary education through time bound integrated approach. This heralded a new partnership between centre and state governments. The scheme absorbed most of the existing programmes with the district as the unit of planning [17]. However, this policy is criticized as being anti-poor and de-legitimising the government school system through cost cutting measures like the provision of para teachers, multi-grade teaching, and making low quality provisions in the schools [18].
- Programmes for Girls' Education
Two programmes targeting formal schools and girls in remote habitations have been launched. National programme for girls at elementary level (NPEGEL) is to be implemented under SSA and initiated in September 2003. Kasturba Gandhi Swatantra Vidyalaya (KGSV) was to ensure access and quality education to girls in remote areas by opening residential schools. It is argued that the gender gap persists not only because of poverty but also because of cultural constraints. Poverty reducing interventions will help bridge gender gap only partially [19].

6. Positive Aspects of RTE Legislation towards Achieving Millennium Developmental Goals (MDG)

The second Millennium Developmental Goals (MDG) set forth by the United Nations is to achieve Universal Primary Education wherein both boys and girls will complete a full course of primary education worldwide by 2015. The MDG Report 2010 [20] states that even though many poor countries are making tremendous efforts towards achieving the MDGs by 2015, the task remains difficult. As per the report, enrolment in primary education has reached 89 percent in the developing world in 2008 whereas in 1999 it was 82 percent. Another positive aspect is that even though the number of children in school-age is increasing the total number of children out of school has decreased from 106 million in 1999 to 69 million in 2008. One of the major factors hindering the realization of universal primary education as well as gender parity in education is poverty. This can be tackled by the implementation of the Right to Education in India with the provision of free and compulsory education till elementary level. Legislation makes education and schooling a justifiable right which means that people can seek judicial remedy if access to education is not provided by the government. No central or state government can ignore education anymore and are bound to make adequate financial and administrative support to provide equitable and quality education. The reservation of 25% seats at first standard level for the disadvantaged groups at even unaided and private schools are a major pro-poor step. For the first time the Indian government has come out of the self-imposed restriction of giving reservation on caste basis. The Common National Curriculum will be a unifying factor in a multi-lingual, multi-cultural and multi-religious country like India. The provision of school management committees would decentralize the administration of schools and give impetus to overall development with greater people's participation. All these provisions would help in faster spread of education at all levels. Thus the RTE legislation is a major step by the Indian Government which will go a long way in boosting the figures of enrolment as well as reducing the total number of children out of school in the country. This will bring the nation closer to the goal of achieving the second MDG by 2015.

7. Status of Schools in Pune and Guwahati

Schools were randomly selected for surveys, interviews and direct observation. A questionnaire was prepared to gather data on present infrastructure, views on Right to Education and the Millennium Development Goals in Education. The sample schools included government, government-aided, private, convents and provincialised schools. General observation is that the government schools fare badly in all areas including infrastructure, discipline, cleanliness, education-delivery, motivation of teachers as well as students. At Pune government schools, children were seen having mid-day meals in open and dusty playground sitting on earth whereas in Guwahati children and teachers have to come out of the classrooms and sit under the trees in hot and humid weather [8 months in a year] as 90% of the schools do not have electricity connection. Adding to the misery of government school teachers is the phenomena of non-provincialised schools in Assam which get some government financial aid from the state government but even after that what teachers get as salary is Rs.850/- per month! There are no libraries and science labs in 95% of the Guwahati government schools. On top of this the student – teacher ratio exceeds 55:1 in most of the selected schools. Teachers considered to be the pillars of education system and so central to the implementation of the Right to Education, are the ones least knowledgeable about it.

8. Policy Options

Politics is about "who gets what" (Harold Lasswell 1935) [21] and the same is true for public policies. Therefore students of political science should be concerned with the impacts of policy choices on people and the results/benefits to the society. Assessing these impacts is difficult as the benefits of education are not fully appreciated until many years later. Most policies are a mix of rationalism, incrementalism, interest group activity, elite preferences, game playing, public choice, political processes and institutional influences. So far, the analysis of Indian education planning suggests that the cure to the malaise of this sector could be a combination of following models/theories of policy making.

• **Rationalism: Policy as Maximum Social Gain**

A rational policy is defined as one that achieves “maximum social gain”. A policy should be put in place only if its benefits exceed its costs. Also, among policy alternatives, the policy makers should choose the policy that can produce the greatest benefit over cost. This theory explains how government should not quote lack of resources preventing adequate investment in education sector. Also it explains the rationalism behind giving due credence and calculating all social, political and economic values compromised or achieved by a public policy.

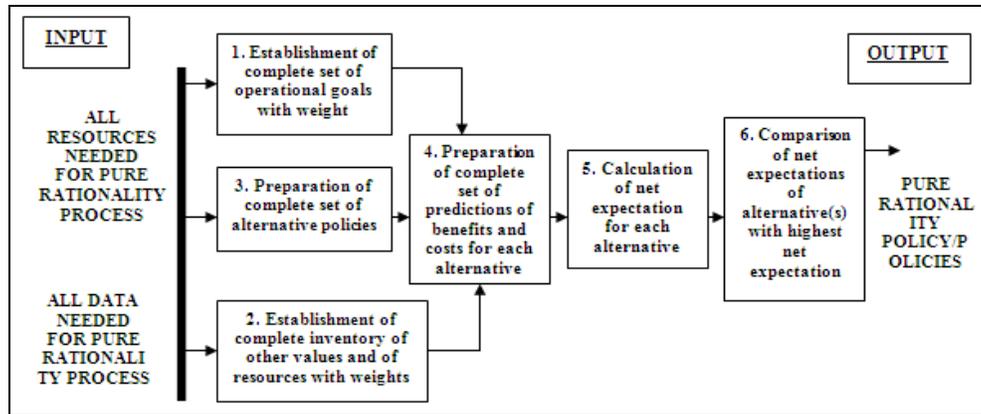


Figure 3: A Rational Model Of A Decision System [7]

• **Group Theory: Policy as Group Equilibrium**

Group theory assumes that interaction among interest groups is in the centre of all political affairs [22]. People with common interests come together to make their demands on government. So, public policy is the equilibrium or the common ground [through compromises made by different group ideologies] reached in the group struggle. This theory can explain how various citizen groups with an interest in education, parents, NGOs, educationists, scholars and social activists came together in the movement for a constitutional amendment guaranteeing the right to education. The National Alliance for Fundamental Right to Education (NAFRE) represented the coalition of almost 2,400 grassroots NGOs from fifteen states across India.

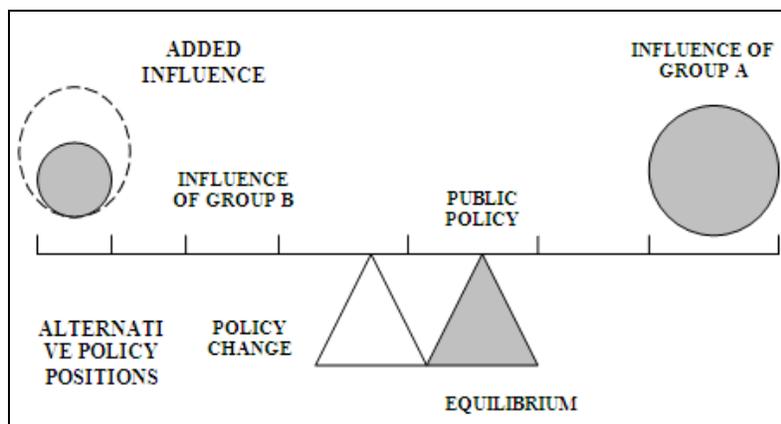


Figure 4: The Group Model [7]

After looking at these two theoretical models, it is clear that a mixed combination of these two approaches would be the best policy option for education sector. Having a clear set of operative goals, for example, expanding school system and providing primary, elementary, secondary and higher secondary education under one umbrella on the lines of the Kendriya Vidyalayas can be the first step. With this goal in mind, the next requirement is of getting together all the resources. An ideal school will require a building with adequate number of classrooms, offices, library, laboratory, ICT facilities, playground, teaching materials and of course requisite number of professionally trained and motivated cadre of teachers. This will take shape with adequate financial and administrative synergy between the Centre, states and local governments. If a village is taken as the smallest unit of administration, the machinery of panchayats can also be utilized for better co-ordination among authorities/officials resulting in one more step towards grass-roots level democracy. With increased community participation through school management committees and decentralized school system, issues of pilferage, corruption and lack of commitment on part of authorities/government agencies can be tackled. On the other hand, it will make room for a flexible framework of schooling, innovation in education –delivery, accountability on part of officials as well as teachers. A similar approach of setting goals, raising standards,

providing financial and administrative support to expand the teacher training institutes and monitoring performance will be required to make a complete set of evolved education system.

9. Conclusion

It took more than 60 years to get fundamental right in education. The right to education act is unique as it gives constitutional validity to the claim of a right to education. It took a lengthy legislative exercise and unprecedented public pressure to formulate a public policy on education. This is praiseworthy as education is at the heart of the human development and also social progress. Implementing the policy is an uphill task and is the real test for the institutions involved in delivering the services. The positive provisions of the right to education policy, if implemented properly can have positive impact on enrolment and retention. But the negative provisions will limit the benefits of the right to education. The HRD minister, Kapil Sibal stated only few days back that at least five more years are required to implement all the provisions of the right to education. It is early to gauge the full impact of this policy on schooling system. On a whole, this policy is a bold step in erecting a legal framework and regulating the system, still it cannot be termed as a panacea for the existing schooling problems of access and quality. We cannot wait for access to schooling and then work to ensure quality education. The implementation of the Right to Education and realizing the dream of the founding fathers of Indian constitution is a big challenge. Maximum co-ordination and accountability on part of the appropriate central and state governments and the education community is required to achieve the Millennium Development Goals in Education by 2015 and give children their right in the true sense of the term. In a multi-lingual, multi-cultural society, the need of the hour is of creating a flexible framework of administration to support the implementation at the local levels.

10. Acknowledgements

- Mr. Avinash Madhale ,Centre for Environment Education, Pune
- Mr. Bhushan Nalage ,Project Co-ordinator ,SSA ,Kasbapeth, Pune
- Dr.Indrajit Singh, Principal, KV,AFS Borjhar, Guwahati
- Dr.Govinda Das,Teacher and Social activist, Rajdhar Bora Higher Secondary School.Azara, Guwahati

11. References

1. Right to Education Project, <http://www.right-to-education.org/node/233>.
2. Berger Eric (Apr 2003), "The Right to Education under the South African Constitution", Columbia Law Review, Vol.103, No.3
3. Millan David, ActionAid, UNESCO.
4. Annual Report of Special Rapporteur on Right to Education, Commission on Human Rights 2001, 57th Session, www.un.org
5. The Times of India, Pune Apr 1, 2010
6. Hindustan Times, 31 Mar 2005
7. Dye,Thomas (2002), "Understanding Public Policy", Pearson Education, [Singapore]
8. Taylor Liba, ActionAid, UNESCO.
9. Tomasevski Katarina , UN Special Rapporteur on Right to Education
10. Aradhya Niranjana and Kashyap Aruna (2006), "The Fundamentals :Right to Education in India", Centre for Child and the Law, National Law School of India University, Bangalore
11. Mishra RK, "Public Policy Management in India, Some Dimensions of Public Policy Management in India".
12. Hanushek Eric (2003), "The Failure of Input Based Schooling Policies", The Economic Journal, Vol.113, No.485, Feb
13. Gershberg Alec (1999), "Education Decentralisation:Processes in Mexico and Nicaragua, Legislative versus Ministry-led Reform Strategies", Comparative Education , Vol.35, NO.1,
14. Department of Education [Govt. of India] Selected Educational Statistics 2000-2001.
15. Jain L.C (2000),"Are Our Budget- Makers Faithful to the Constitution? A Tour of Budgets [1947-2001]", National Centre for Advocacy Studies,
16. Jain L.C (2008), "Right to Education ", Yojana
17. Aggarwal J.C (2005),"Recent Developments and Trends in Education", Shipra Publications, Delhi.
18. Kumar Ravi, (2006) 'State ,Class and Critical framework of Praxis: The Missing Link in Indian Education Debates', Journal for Critical Education Policy Studies, Vol.4, No. 2,
19. Primary Education in India: Development in Practice Series, Washington DC, The World Bank, 1997.
20. www.un.org, MDG Report 2010.
21. Peters B. Guy and Pierre Jon [eds] (2006), "Handbook of Public Policy", Sage
22. Truman David B. (1951), "The Government Process ", New York, Knopf