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## **The Right of Children to Free and Compulsory Education, Act 2009 (RTE): A Boon or Bane?**

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**Abstract:**

*The accessibility and affordability of opportunities in education, in a given society, determines and improve, to a larger extent, a person's capabilities and help improve one's own creativity, personality, dignity and honor. Now-a-days it is increasingly realized by the middle classes that education is necessary for employment and empowerment. Since independence, the policies and programs of the Government reiterate the need and importance of free and compulsory education for children between ages 6-14. It is a disturbing fact to notice that after 63 years of independence the number of children stay out of school is depressing and a cause for great concern. Although the Indian Constitution guarantees right to education as a fundamental right at the primary and intermediate level but not higher education. Education now is no more a service, rather it has become a commodity available at prohibitive cost.*

*The Right of children to free and compulsory education Act 2009 was enacted after a lot of pressure brought on the Government by civil society organizations, educationalists and experts. This law provides for free and compulsory education to all children of the age of six to fourteen years. The principle object Act is to fulfill the dream and the spirit of the Indian Constitution in general and the fundamental rights and the directive principles of the state policies regarding free and compulsory education in particular. But a critical analysis of the Act shows several conflicts and contradiction within the legislation and many hindrances stand in the way of realization of the right to education.*

*This paper raises some pertinent questions about the government policy and the law of education system, particularly with reference to right to education. Whether the Act provides education as of right or entitlement? What are the conflicts and contradiction inherent in the Act that dilutes the right to education for all? Does the law provides for common and universal education or it facilitates two school systems, one is for the rich and the other for poor? What is the hidden agenda of the education policy of the government with reference to the education system and particularly about primary education? A perusal of the policy and law for free and compulsory education and the law there to, shows that the law is enacted on one hand on the pressure of the public and civil society organizations, and it is framed to facilitate the world band strategy on education in the developing countries on the other. While in the strict legal and constitutional sense a right must be universal, justifiable and enforceable in the court of law, but this is not so according to the Act. It is only an entitlement largely depends on the capacity and discretion of the Government. Another crucial aspect of the law is the scheme of public and private partnership in the school education system creates two systems one is for the poor and the other is for the rich and the role of the government to strengthen the system, in other words facilitating the private sector and making education as a commodity and controlled by the market forces. Thus, the enactment is though a blessing in disguise, but discriminative and deny basic education for many. Neo-liberalism is after all is to create neo rich and neo elite who support and strengthen the market rather than the state.*

*The paper is divided into four parts. The first part traces the history of the Act from the background of international declarations, Indian Constitutions and Supreme Court decisions. Part two, discusses salient features of the act and some important provisions which are inconsistent and contradictory to the constitution and right to education as a fundamental right. Part three examines the impact of World Bank policies and strategies to mould the education system in India to facilitate the market forces. The final part, argues for the common community school system which ensures right to non-discriminative and equitable education.*

## 1. Introduction

The Right to Free and Compulsory Education Act 2009 was passed by the Parliament in August 2009, and after receiving Presidential assent immediately thereafter, it was notified for implementation from April 1, 2010. The 86th amendment that provides children of India, in the age group 6 to 14 years, a fundamental right to free and compulsory education was simultaneously notified the same day. These are momentous happenings, even though the inclusion of the critical age group 0-6, and 14 -18 remains an unfulfilled agenda.

*Education is a companion which no future can depress, no crime can destroy, no enemy can alienate it and no nepotism can enslave.*

— Ropo Oguntimehin

As asserted above, education is a methodical effort towards learning basic facts about humanity and it is a fundamental human right: As children are not only the future citizens but also the future of the earth, every child is entitled to education. It is critical to our development as individuals and as societies, and it helps pave the way to a successful and productive future. When we ensure that children have access to a rights-based, quality education that is rooted in gender equality, we create a ripple effect of opportunity that impacts generations to come. Elders in general, and parents and teachers in particular, owe a responsibility for taking care of the well-being and welfare of the children. The world shall be a better or worse place to live according to how we treat the children today. Education is an investment made by the nation in its children for harvesting a future crop of responsible adults productive of a well-functioning society. However, children are vulnerable. They need to be valued, nurtured, caressed and protected.”

The Supreme Court in 1993 held free education until a child completes the age of 14 to be a right (Unnikrishnan and others Vs State of Andhra Pradesh and others) by stating that: “The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is, however, not an absolute right. Its content and parameters have to be determined in the light of Articles 45 and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter his right to education is subject to the limits of economic capacity and development of the State.”

## 2. Importance of Education

Education is the fourth necessity for man after food, clothing and shelter, in today’s competitive world. Education is indeed a powerful tool to combat the cut-throat competition that man is faced with at every junctures in life. The importance of education in India is indeed rising with passing time. Though India has always been a great source of learning for many years, it still needs to improve not just on the quality of education but also on the number of people being educated.

Education is the means by which an individual achieves a desired level of literacy whereby, he develops an ability to make informed choices. Perhaps, that is the reason why prof. Amertya sen said that education is a human capability; and education is freedom.

It should lead to the ultimate emancipation of an individual by a process of transformation, which allows him to develop and evolve constantly. A Right given to a citizen is for a purpose and in the case of education; this is to bring out the best in an individual. The right to Education (RTE) is the responsibility to utilize productively the knowledge gained through such education. A key responsibility at the moment is to bridge the rural and urban divide.

*“I beg to place the following resolution before the council for its consideration....the state should accept in this country the same responsibility in regard to mass education that the government of most civilized countries are already discharging and that a well considered scheme should be drawn up and adhered to till it is carried out.. The well being of millions upon millions of children who are waiting to be brought under the influence education depends upon it...”*

The above words are the part of the resolution, which Gopal Krishna Gokhale moved in the Imperial Legislative Council on 18th March, 1910 for seeking provision of ‘Free and Compulsory Primary Education’ in India. This initiative must however be seen as part of the following sequence of events:

- 1870: Compulsory Education Act passed in Britain
- 1882: Indian Education Commission: Indian leaders demand provision for mass education and Compulsory Education Acts.
- 1893: Maharaja of Baroda introduces Compulsory Education for boys in Amreli Taluk.
- 1906: Maharaja of Baroda extends Compulsory Education to rest of the state.
- 1906: Gopal Krishna Gokhale makes a plea to the Imperial Legislative Council for introduction of Free And Compulsory Education
- 1910: Gokhale proposes Private members Bill (Rejected)
- 1917: Vithalbhai Patel is successful in getting the Bill passed - First Law on Compulsory Education passed (Popularly Known as Patel Act)
- 1918: Every Province in British India gets Compulsory Education Act on its
- 1930: Statute Book
- 1930: Hartog Committee Recommendation for better quality (less focus on quantity) hinders spread and development of primary education.

## 3. History of the Act from the Back Ground of International Declarations, Indian Constitution and Supreme Court Decisions

There are many international legal documents outlining human rights. The Universal Declaration of Human Rights, agreed to unanimously by the United Nations General Assembly on 10 December 1948, sets out the basic rights and freedoms of all people.

“Children have the right to special protection because of their defenselessness against mistreatment. The first United Nations statement devoted exclusively to the rights of children was the Declaration on the Rights of the Child, adopted in 1959. This was a moral rather than a legally binding document. In 1989 the legally binding Convention on the Rights of the Child was adopted by the United Nations. In 54 articles the Convention incorporates the whole spectrum of human rights - civil, political, economic, social and

cultural - and sets out the specific ways these should be ensured for children and young people. In May 2000, two Optional Protocols, one on the involvement of children in armed conflict and a second on the sale of children, child prostitution and child pornography, were adopted to strengthen the provisions of the Convention in those areas”.

### 3.1. *The Principles Governing the Convention on the Rights of the Child Include:*

- **Universality and non-discrimination:** All children regardless of race, colour, sex, disability, language, religion, political or other opinion, or national or social origin should have access to the rights outlined.
- **Best interests of the child:** Decisions are made with an awareness of their impact on children and recognizing the increasing ability of children (under 18 years) to be independent.
- **Indivisibility and interdependence of children's rights:** The Convention on the Rights of the Child (CRC) is seen as a total package - all children should have access to all the rights outlined.
- **Accountability:** An international committee reviews the regular reports that governments submit outlining their progress towards improving the access of children to their rights.

### 3.2. *Themes*

- **Survival:** All children have the right to life through the provision of basic needs - water, food, shelter and health care.
- **Development:** All children should be able to grow to their full potential through quality education, leisure and play, cultural activities, access to information, freedom of thought and religion, and freedom from discrimination.
- **Protection from harmful influences, abuse and exploitation:** All children should be safeguarded against all forms of abuse, neglect and exploitation, and are entitled to live in a safe and caring environment. Children need protection in armed conflict, within the justice system, from situations such as child labour, and from the sale and trafficking of individuals. Special care is necessary for girls, children with a disability and refugees
- **Participation fully in family, cultural and social life:** All children should have the right to express their views freely on all matters affecting them by taking an active role in their families, communities and nations. This encompasses the freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully.

### 3.3. *Children's Access to Rights*

After a country signs an international convention, it needs to ensure that its laws and practices are consistent with the provisions of the convention to make the commitment to the document a reality. Governments that have signed the CRC must report every five years to the Committee on the Rights of the Child on what they are doing to provide children with their rights under the Convention. In many countries the lives of children have improved, but many children still do not have all they need to survive and develop fully. The more we know about rights, the more we are able to ensure that everyone has access to them.

### 3.4. *History of Right to Education/Timeline of Important Events*

- 1950: Constitution of India contained Article 45, as one of the directive principles of State policy, which states that: "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."
- 1968: First National Commission for education under Dr. Kothari submits its reports. It introduced several far-reaching changes as uniform curriculum for boys and girls, mathematics and science as compulsory subjects, etc. It also proposed a Common School System.
- 1976: Constitution amendment making education a concurrent subject (responsibility of both state and center) was passed.
- 1986: National policy on Education (NPE) endorsing Common School System (CSS) was formulated. Subsequent NPE's endorsed CSS, but it has never been implemented.
- 1993: The Supreme Court in the case Unnikrishnan vs State of Andhra Pradesh ruled that the right to education is a fundamental right that flows from the Right to life in Article 21 of the Constitution.
- 1997: Constitution Amendment making Education a fundamental right was introduced.
- 2002: 86<sup>th</sup> Constitution Amendment added Article 21A stating that "The State shall provide free and compulsory education to all children of the age six to fourteen years in such a way as the State may, by law, determine." The 86<sup>th</sup> Amendment also modified Article 45 which reads as "The state shall endeavor to provide early childhood care and education for all children until they complete the age of 6 years".
- 2005: CABE committee report constituted to draft the Right to Education Bill submits its report.
- July 2006: Media reports indicate that the federal government is planning to ask all state governments to pass Right to Education bill in their respective legislatures based on a model bill drafted by federal Government. It has shelved plans to introduce a federal bill in this regard.

The Indian constitution (86<sup>th</sup> Amendment) Act, 2002 has added a new Article 21A after Article 21 and has education for all children of the age of 6 to 14 a fundamental right. It provides that "the state shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state may, by law, determine".

It is well known that education is a basic human right. For the success of democratic system of government, education is one of the basic elements. An educated citizen has to choose the representations who form the government. Education gives a person human

dignity, who develops himself as well as contributes to the development of his country. The framers of the constitution realizing the importance of education have imposed a duty on the state under Art.45 as one of the directive policy of state to provide free and compulsory education to all children until they complete the age of 14 years within 10 years from the commencement of the constitution. The object was to abolish illiteracy from the country. It was expected that the educated governments of the country would honestly implement this directive.

But it is unfortunate that even after the lapse of 60 years from the commencement of the constitution, they did not take any concrete steps to implement this directive and 40% population of the country is still illiterate. The framers perhaps were of the view that in view of the financial condition of a new state it was not feasible to make it a fundamental right under part III of the constitution, but included it in chapter IV as one of the directive principles of state policy. In the meantime, the Supreme Court in Unnikrishnan case declared that the right to education for the children of the age of 6 to 14 is a fundamental right. Even after this, there was no improvement. A demand was being raised from all corners to make education a fundamental right. Consequently, the government enacted constitution (86<sup>th</sup> Amendment) Act, 2002 which would make education a fundamental right.

The question arises as to how this gigantic project would be implemented. The population of the country has considerably increased and the no. of children of age from 6 to 14 years are in crores. The government does not have money, at present, to run its own educational institutions. In the area of education it is emphasizing on privatization. Majority of higher secondary schools are run by private persons where there is no provision for free education. They charge a high fee. Only rich persons can afford to send their children to these schools. When the education will become a fundamental right, a citizen would go to the court for enforcement of his right and the court would be obligated to give an order for its enforcement. But if there are no schools how would the government implement it? Making education compulsory would not solve the problem. The only alternative is to encourage non-governmental organizations to come forward and participate in it to fulfill the mandate of the constitution. Of course, the government must help them and see that teachers and employees working in these private educational institutions get a minimum salary to survive and make the scheme successful.

In the absence of these initiatives, it is doubtful that the constitutional mandate to provide free education to all children in order to become able citizens of the country would be successful. Private public schools have centers for exploitation.

#### 4. Salient Features of the Act and Some Important Provisions

Following features provide the basis of implementation of the RTE Act, 2009:

- Every child in the age group of 6-14 has the right to free and compulsory education in a neighborhood school, till the completion of elementary education
- Private schools will have to take 25% of their class strength from the weaker section and the disadvantaged group of the society through a random selection process. Government will fund education of these children.

No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).

All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.

- No donation and capitation fee is allowed.
- No admission test or interview either for child or parents.
- No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
- There is provision for establishment of commissions to supervise the implementation of the act.
- A fixed student and teacher ratio is to be maintained.
- All schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function. Three years moratorium period has been provided to school to implement all that is required of them.
- Norms for teachers training and qualifications are also clearly mentioned in the act.
- All schools except private unaided schools are to be managed by School management Committees with 75% of parents and guardians as members.

#### 5. Impact of World Bank Policies and Strategies to Mould the Educations System in India to Facilitate the Market Forces

The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires 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 prohibits all unrecognized schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.

The RTE act requires surveys that will monitor all neighbourhoods, identify children requiring education, and set up facilities for providing it. The World Bank education specialist for India, Sam Carlson, has observed:

- The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrollment, attendance and completion on the Government. It is the parents' responsibility to send the children to schools in the U.S. and other countries.
- The Right to Education of persons with disabilities until 18 years of age is laid down under a separate legislation- the Persons with Disabilities Act. A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act.
- The Act provides 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 Commissions to be set up by the states.

In the Indian constitution, education comes under the purview of the states, and the Act has made state and local bodies accountable for the implementation. The states have been clamouring that these bodies do not have the financial capacity to cover all the schools needed for universal education. Thus, it was clear that the central government (which collects most of the revenue) will be required to subsidize the states.

A committee set up to study the funds requirement and funding initially estimated that Rs 171,000 crores or 1.71 trillion (US\$38.2 billion) would be required in the next five years to implement the Act, and in April 2010 the central government agreed to sharing the funding for implementing the law in the ratio of 65 to 35 between the centre and the states, and a ratio of 90 to 10 for the north-eastern states. However, in mid 2010, this figure was upgraded to Rs. 231,000 crores, and the center agreed to raise its share to 68%. There is some confusion on this, with other media reports stating that the centre's share of the implementation expenses would now be 70%. At that rate, most states may not need to increase their education budgets substantially.

A critical development in 2011 has been the decision taken in principle to extend the right to education till Class X (age 16) and into the preschool age range. The CABE committee is in the process of looking into the implications of making these changes.

In the 1990s, the World Bank funded a number of measures 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.

#### **6. Common Community School System Which Ensures Right to Non-Discriminative and Equitable Education**

The Education Commission (1964-66) had recommended a Common School System of Public Education (CSS) as the basis of building up the National System of Education with a view to "bring the different social classes and groups together and thus promote the emergence of an egalitarian and integrated society." The Commission warned that "instead of doing so, education itself is tending to increase social segregation and to perpetuate and widen class distinctions." It further noted that "this is bad not only for the children of the poor but also for the children of the rich and the privileged groups" since "by segregating their children, such privileged parents prevent them from sharing the life and experiences of the children of the poor and coming into contact with the realities of life. . . . also render the education of their own children anaemic and incomplete. (emphasis added)" The Commission contended that "if these evils are to be eliminated and the education system is to become a powerful instrument of national development in general, and social and national integration in particular, we must move towards the goal of a common school system of public education."

Education in India is provided by the public sector as well as the private sector, with control and funding coming from three levels: federal, state, and local. Child education is compulsory. Education in India falls under the control of both the Union Government and the states, with some responsibilities lying with the Union and the states having autonomy for others. The various articles of the Indian Constitution provide for education as a fundamental right. Following India's independence a number of rules were formulated for the backward Scheduled Castes and the Scheduled Tribes of India, and in 1960 a list identifying 405 Scheduled Castes and 225 Scheduled Tribes was published by the central government. An amendment was made to the list in 1975, which identified 841 Scheduled Castes and 510 Scheduled Tribes. The total percentage of Scheduled Castes and Scheduled Tribes combined was found to be 22.5 percent with the Scheduled Castes accounting for 17 percent and the Scheduled Tribes accounting for the remaining 7.5 percent. Following the report many Scheduled Castes and Scheduled Tribes increasingly referred to themselves as Dalit, a Marathi language terminology used by B. R. Ambedkar which literally means "oppressed".

The Scheduled Castes and Scheduled Tribes are provided for in many of India's educational programmes. Special reservations are also provided for the Scheduled Castes and Scheduled Tribes in India, e.g. a reservation of 15% in Kendriya Vidyalaya for Scheduled Castes and another reservation of 7.5% in Kendriya Vidyalaya for Scheduled Tribes. Similar reservations are held by the Scheduled Castes and Scheduled Tribes in many schemes and educational facilities in India. The remote and far-flung regions of North East India are provided for under the Non Lapsible Central pool of Resources (NLCPR) since 1998-1999. The NLCPR aims to provide funds for infrastructure development in these remote areas.

Women from remote, underdeveloped areas or from weaker social groups in Andhra Pradesh, Assam, Bihar, Jharkhand, Karnataka, Kerala, Gujarat, Uttar Pradesh, and Uttarakhand, fall under the Mahila Samakhyas Scheme, initiated in 1989. Apart from provisions for education this programme also aims to raise awareness by holding meetings and seminars at rural levels. The government allowed 340 million (US\$7.5 million) during 2007-08 to carry out this scheme over 83 districts including more than 21, 000 villages. Currently there are 68 Bal Bhavans and 10 Bal Kendra affiliated to the National Bal Bhavan. The scheme involves educational and social activities and recognising children with a marked talent for a particular educational stream. A number of programmes and activities are held under this scheme, which also involves cultural exchanges and participation in several international forums.

India's minorities, especially the ones considered 'educationally backward' by the government, are provided for in the 1992 amendment of the Indian National Policy on Education (NPE). The government initiated the Scheme of Area Intensive Programme for Educationally Backward Minorities and Scheme of Financial Assistance or Modernisation of Madarsa Education as part of its revised Programme of Action (1992). Both these schemes were started nationwide by 1994. In 2004 the Indian parliament allowed an act

which enabled minority education establishments to seek university affiliations if they passed the required norms. Surprisingly, in the field of Sindhi language, (a 8th schedule language, which is prevalently spoken by the sindhis of India who have no state of their own) government has not made any significant contribution. Sindhis are linguistic minority and most of the states have no sindhi schools or schools with sindhi language as an optional paper. Sindhis with around ten million population has less than 100 teachers in this language. Sindhi, basically draws its origin from Indus Valley civilisation, while the language has Indo-aryan origin it is prevalently spoken in Pakistan and patronized by Pakistan Govt. Most of the sindhi Associations fear that due to apathy of Indian Govt. Sindhi language and culture will only be a story for next generation in near future. Rajesh Thadani, President of Bihar Sindhi Association, which was constituted by the first Governor of Bihar, Jairamdas Doulatram, has started awareness campaign in this direction. this campaign has gathered a momentum and it has started recognition worldwide.

## 7. Legislative Framework

Article 45, of the Constitution of India originally stated:

“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 article was a directive principle of state policy within India, effectively meaning that it was within a set of rules that were meant to be followed in spirit and the government could not be held to court if the actual letter was not followed. However, the enforcement of this directive principle became a matter of debate since this principle held obvious emotive and practical value, and was legally the only directive principle within the Indian constitution to have a time limit.

Following initiatives by the Supreme Court of India during the 1990s the Ninety-third amendment bill suggested three separate amendments to the Indian constitution:

The constitution of India was amended to include a new article, 21A, which read:

“The State shall provide free and compulsory education to all children of the age of six to fourteen years in a such manner as the State may, by law, determine”

Article 45 was proposed to be substituted by the article which read:

“Provision for early childhood care and education to children below the age of six years: The State shall endeavour to provide early childhood care and education for all children until they complete the age of sixteen years.”

Another article, 51A, was to additionally have the clause:

“...a parent or guardian [shall] provide opportunities for education to his child or, as the case may be, [a] ward between the age of six to fourteen years.”

The bill was passed unanimously in the Lok Sabha, the lower house of the Indian parliament, on November 28, 2001. It was later passed by the upper house—the Rajya Sabha—on May 14, 2002. After being signed by the President of India, the Indian constitution was amended formally for the eighty sixth time and the bill came into effect. Since then, those between the age of 6–14 have a fundamental right to education.

Article 46 of the Constitution of India holds that:

“The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation’.”

Other provisions for the Scheduled Castes and Scheduled Tribes can be found in Articles 330, 332, 335, 338–342. Both the 5th and the 6th Schedules of the Constitution also make special provisions for the Scheduled Castes and Scheduled Tribes.

## 8. Conclusions

The debate on Right to Education was initiated by Mahatma Jotirao Phule almost 125 years ago when a substantial part of the memorandum presented by him to the Indian Education Commission (i.e. the Hunter Commission) in 1882 dwelt upon how the British government’s funding of education tended to benefit “Brahmins and the higher classes” while leaving “the masses wallowing in ignorance and poverty.” Mahatma Phule drew attention to the irony that this happens when most of the revenue collected by the British government is generated from the output of the labour of the masses themselves. Things have not fundamentally changed since then. In 1911, when Gopal Krishna Gokhale moved his Free and Compulsory Education Bill in the Imperial Legislative Assembly, he faced stiff resistance. Instead of supporting the Bill, the members representing the privileged classes from Mumbai, Maharajas and other rulers from princely states and the big landlords from feudal areas talked of the conditions in the country not being ripe for such a Bill and that haste should be avoided. The Maharaja of Darbhanga from Bihar collected 11,000 signatures on a Memorandum from princes and landlords expressing concern about what would happen to their farm operations if all children were required to attend the school! The Bill obviously could not be approved. At the National Education Conference held at Wardha (Maharashtra) in 1937, Mahatma Gandhi had to use all the moral powers at his command to persuade the Ministers of Education of the newly elected Congress governments of seven provinces to give priority to Basic Education (Nai Talim) of seven years and allocate adequate funds for this purpose. The Ministers kept on pointing out that there was no money.

The rhetoric of lack of resources for mass education has continued to dominate policy formulation since Independence. In June 2006, the Central Government, claiming lack of resources, decided not to present the Right to Education Bill in the Parliament in spite of it becoming obligatory under Article 21A introduced through 86th Constitutional Amendment in December 2002. Instead, the central government sent a highly diluted and distorted draft Bill to the state/UT governments advising them to get it approved in their respective assemblies. This amounted to a blatant abdication by the centre of its Constitutional obligation to give effect to the historic

Fundamental Right accorded to elementary education for children in the 6-14 year age group. The Indian State is so scared of giving children Fundamental Right to Education that it has not even notified the 86th Constitutional Amendment to date, though it was signed by the President of India more than five years ago.

Education being a concurrent subject under the constitution, meaning both the central and state governments have responsibility for it, appropriate government in the Act refers to either of these governments, or the government of a Union Territory with a legislature (like Delhi). As stated earlier, education is the fourth necessity for man after food, clothing and shelter, in today's competitive world. Education is indeed a powerful tool to combat the cut-throat competition that man is faced with at every juncture in life. It is the responsibility of all to give proper education to all children otherwise it is going to be disgrace to our society.

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