

Right to Education is a way to Education to all and Democracy

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Abstract: Right to education that has been provided in the constitution entitles all children legally between the age of 6 -14 years to have access to an education of reasonable quality based on principles of equity and non discrimination, free and compulsory admission, attendance and completion of elementary education. , National Integration, Cultural Emancipation, which are the basis for democratic society and for the success of democracy, are influenced by the kind of Education system that a country is having. Hence there is no meaning in aiming for development without laying emphasis on proper education system and education policies.

Key Words: Right to education, Democracy, National Policy on Education, RTE Act of 2009.

1. INTRODUCTION:

Today India is home to 19% of World children and about 1/3 of its population (around 5 Crore according to 2011 Census) is below the age of 18 and around 74% of this population lives in rural areas. Today according to Government statistics, we have in our country 26 crore children are school going but 18 crore children are in schools remaining 5 crore children are out of school.

Education has been recognized as fundamental right and it is viewed as the process of human resource development where the knowledge, skill and capabilities are sharpened to achieve a wide range of objectives. Well conceived programmes, community involvement, and utilization of physical and human resource, National Integration, Cultural Emancipation, which are the basis for democratic society and for the success of democracy, are influenced by the kind of Education system that a country is having. Hence there is no meaning in aiming for development without laying emphasis on proper education system and education policies.

Right to education that has been provided in the constitution entitles all children legally between the age of 6 – 14 years to have access to an education of reasonable quality based on principles of equity and non discrimination, free and compulsory admission, attendance and completion of elementary education. The child's right to education is one which frees him from fear, stress and anxiety. In addition to these, there are several provisions prohibiting corporal punishment, detention and expulsion.

In this context, my paper seeks to analyze the education policies as to how they have been in conformity with the objectives of democratic society and why they have not been implemented and the reasons for the enactment of RTE and its success

2. Democracy and Education :

It is an admitted fact that there is an intimate relationship between democracy and education. In a democracy, education is given primacy, for it is pre-requisite for the survival and success of the former. Similarly, education fosters a democratic temper in the minds of people. Democratic values like liberty, equality, fraternity justice, dignity of individual, co-operation, sharing of responsibility etc. are applied to education to make it more effective, meaningful, relevant and useful. Democracy in order to be a reality and a way of life has to be introduced from the very beginning of education and its values need to be practiced in educational institutions. Before a thorough discussion on the inalienable relationship between the two-democracy and education, it is essential to unfold the meaning of democracy.(John Dewey , 2008)

Democracy is a form of government in which there prevails the rule of majority. It is government of the people, by the people and for the people. This is a political connotation of the term democracy. Economically, it is a system where no one is exploited, where everybody is assured a fair standard of living, where there is equal opportunity for work according to abilities and capacities, where economic organization is based on collective or co-operative basis and where economic projects are geared for the benefit of the community at large but not for any private bodies. Socially, it connotes absence of all distractions based on class, caste, creed, birth, religion, language or possession of money. Everyone is guaranteed fundamental rights, and equality of opportunities is given for the fullest development of personality. (Bhawana Bawa, 2022)

Thus, it is social justice which is central to the understanding of democracy. Dignity of individual is accorded a primacy in it. In other words, there exists a paramount faith in the worth of the common man. There is no domination of any individual or group over another. There prevails a sense of co-operation, fellow-feelings, fraternity, liberty, responsibility, understanding and justice. Therefore, democracy has been construed as a way of life, a way of doing things and a way of seeing and knowing. John Dewey says, "A democracy is more than a form of government, it is primarily a mode of associated living, of conjoint communicated experiences". Democracy is a way of life where problems are solved through argument, discussion, deliberation, persuasion and transaction of views instead of dictation, coercion, violence, distrust and conflict. It is an order of social relationships among individuals dedicated to the promotion of the individual's well being keeping personal interests in abeyance. It is an order in which every individual gets limitless opportunities to blossom according to his/her potentialities and in which power and responsibilities are shared on a mutual basis without any confrontation and conflict. According to Prof. Seeley, "Democracy is a form of government in which everyone has a share." Therefore, in the business of government everybody is equally an actor or player. The will of people is well recognized and given primacy.

3. Educational Implications :

There is an inseparable connection between Democracy and Education. Democracy cannot be thought of in segregation from the spectrum of education. It has been admitted on all hands that the sinew of democracy depends upon the character and intelligence of all its citizens. Resting upon popular suffrage cannot be successful unless those who govern and obey their governors are educated". Further, Bernard Shaw mentions the value of education in a democracy. "Democracy implies election of the corrupt few by the ignorant many. Therefore, education is the major means to enrich the strengths and overcome the weaknesses of the people. It is also a means for the widespread diffusion of democratic values". Radhakrishnan commission (1948-49) said, "Education is the great instrument of social emancipation, by which democracy establishes, maintains and protects the spirit of equality among its members". It is crystal clear that democracy can function properly only if all its citizens are properly educated. Democracy should provide aims to education and thus, principles of democracy should reflect in the aims, curriculum, methods of teaching, administration and organization, discipline, the school, the teacher etc. (Radha Krishnan commission, 1948-49)

According to the Secondary Education Commission (1952-53), education should aim at the following points:

Education should aim at developing capacity for clear thinking which entails power of discrimination of truth from falsehood. It is needed for free discussion, persuasion and better exchange of ideas among people. Education should aim at nourishing the art of living with the community which requires the qualities like discipline, co-operation, social sensitiveness and tolerance. A sincere appreciation of the social and cultural achievements of one's country, Education seeks to develop in children a sense of universal brotherhood of man and develops an awareness in them that they are not the citizen of one's own country rather citizens of the world. All are members of a global world just like one family (Secondary Education Commission, 1952-53).

The second aim of our educational system is the improvement of vocational efficiency which includes creation of right attitude to work, promotion of technical skills and efficiency.

The third aim is the development of personality which includes discovering of hidden talents, cultivating rich interests in art, literature and culture necessary for self-expression and assigning a place of honor to the subjects like art, craft, music, dance and hobbies in the curriculum.

A democracy cannot run smoothly without efficient and effective leadership. Therefore, it is one of the important aims of democratic education that it should train an army of people who will be able to assume the responsibility of leadership in social, political, economic, industrial or cultural fields. Besides, they are required to acquire skills in the art of leading and following others and to discharge their duties efficiently.

Education in a democracy is meant not for a microscopic minority but for a macroscopic majority. It should be broad-based embracing all the ingredients of philosophy, psychology, sociology, biology etc. The main aim of education in a democracy is to produce democratic citizens who can not only understand objectively the plethora of social, political, economic and cultural problems but also form their own independent judgment on these complicated problems. It must inculcate in them the spirit of tolerance and ignite the courage of convictions. It must aim at creating in them a passion for social justice and social service. It must equip in them with the power of judgment, scientific thinking and weighing the right and the wrong. Education aims at enabling the pupils to be social minded human beings capable of managing their own affairs and living with others adequately. It enables them to realize their hidden potentialities fully, for a fully developed person can contribute his/her bit to the success of democracy.

4. National Polices on Education :

Since the country's independence in 1947, the Indian government sponsored a variety of programmes to address the problems of illiteracy. Maulana Abul Kalam Azad, India's first Minister of Education, envisaged a strong central government control over education throughout the country, with a uniform educational system. The Union government established the University Education Commission (1948–1949), the Secondary Education Commission (1952–1953), University Grants Commission and the Kothari Commission (1964–66) to develop proposals to modernize India's education system. The Resolution on Scientific Policy was adopted by the government of Jawaharlal Nehru. The Nehru government sponsored the development of high-quality scientific education through Indian Institutes of Technology.

In 1968 Based on the report and recommendations of the Kothari Commission (1964–1966), the Prime Minister Indira Gandhi announced the first National Policy on Education in 1968, which called for a "radical restructuring" and proposed equal educational opportunities in order to achieve national integration and greater cultural and economic development. The policy called for fulfilling compulsory education for all children up to the age of 14, as stipulated by the Constitution of India and specialized training and qualification of teachers. The policy called for a focus on the learning of regional languages, outlining the "three language formula" to be implemented in secondary education - the instruction of the English language, the official language of the state where the school was based, and Hindi. Language education was seen as essential to reduce the gulf between the intelligentsia and the masses. Although the decision to adopt Hindi as the national language had proven controversial, The policy also encouraged the teaching of the ancient Sanskrit language, which was considered an essential part of India's culture and heritage. The NPE of 1968 called for education spending to increase to six percent of the national income (NPE 1968)

In 1986, the government led by Rajiv Gandhi introduced a new National Policy on Education. The new policy called for "special emphasis on the removal of disparities and to equalize educational opportunity," especially for Indian women, Scheduled Tribes (ST) and the Scheduled Caste (SC) communities. To achieve such a social integration, the policy called for expanding scholarships, adult education, recruiting more teachers from the SCs, incentives for poor families to send their children to school regularly, development of new institutions and providing housing and services. The NPE called for a "child-centered approach" in primary education, and launched "Operation Blackboard" to improve primary schools nationwide. The policy expanded the open university system with the Indira Gandhi National Open University, which had been created in 1985. 1986 education policy expected to spent 6% of GDP on education (NPE, 1986)

The 1986 National Policy on Education was modified in 1992 by the P. V. Narasimha Rao Government. In 2005, Former Prime Minister Manmohan Singh adopted a new policy based on the "Common Minimum Programme" of his United Progressive Alliance (UPA) government. Programme of Action (PoA) 1992, under the National Policy on Education (NPE), 1986 envisaged to conduct of a common entrance examination on all India basis for admission to professional and technical programmes in the country. For admission to Engineering and Architecture/Planning programmes, Government of India vide Resolution dated 18 October 2001 has laid down a Three – Exam Scheme (JEE and AIEEE at the National Level and the State Level Engineering Entrance Examinations (SLEEE) for State Level Institutions – with an option to join AIEEE). This takes care of varying admission standards in these programmes and helps in maintenance of professional standards. This also solves problems of overlaps and reduces physical, mental and financial burden on students and their parents due to multiplicity of entrance examinations

5. National Education Policy 2020 :

In 2019, the Ministry of Human Resource Development released a Draft New Education Policy 2019, which was followed by a number of public consultations. It discusses reducing curriculum content to enhance essential learning, critical thinking and more holistic experiential, discussion-based and analysis-based learning. It also talks about a revision of the curriculum and pedagogical structure from a 10+2 system to a 5+3+3+4 system design in an effort to optimize learning for students based on cognitive development of children.

On 29 July 2020, the cabinet approved a new National Education Policy with an aim to introduce several changes to the existing Indian education system. Which will be introduced in India till 2020(NPE, 2020)

6. Education Policies and their implementation :

After decades of lofty policy goals, India's poor performance stands out when compared to that of some of our Asian neighbors and other emerging market economies. India is finally approaching the goal of universal primary education, more than a hundred years after it was originally mooted in the famous "Gokhale's Bill" of 1911. China had achieved this goal by the 1970s. South Korea achieved it even earlier, by the 1960s,

As of 2021, over 26% of India's population was still illiterate compared to 5% in South Africa, 4% in China and only 2% in Turkey. About 50% of India's population had only primary education or less, compared to 38% in China, 24% in South Africa, and only 20% in Turkey.

Even these statistics, depressing as they are, do not fully reflect the depth of India's education policy failure. For that, we have to look at the shocking learning outcomes reported in the 2015 Annual Status of Education Report (ASER). About 52% of class V students could not read a simple text meant for class II students. Similarly, about 50% of class V students could not do a simple subtraction meant for class II students. Sadly, these outcomes have shown no improvement over successive ASER surveys. Such deficits in foundational reading and arithmetic skills are cumulative, leaving students grossly handicapped for further education. (ASER Report, 2015)

In 2008, 6,000 students from Odisha and Rajasthan participated in the well-known global Trends in International Mathematics and Science Study test for mathematics and science. They were ranked 43rd and 47th out of 49. The average standard of the Indian students was comparable to that of the bottom fifth percentile of Organisation for Economic Co-operation and Development (OECD) students. The Indian authorities have been too ashamed to participate in subsequent PISA tests, allegedly Western-style tests not suitable for Indian students. But the top three positions in 2009 went to Singapore, South Korea and Japan. Why has India's school education policy been so ineffective?. Among many factors, I believe the following are the most important. First, education policy in India is focused on inputs rather than learning outcomes, which is what matters. Second, education policy has a strong elitist bias in favor of higher education as opposed to primary or secondary education. Among Asian countries, the ratio of per student public expenditure in tertiary relative to primary education is less than four in Malaysia, two in Indonesia and one in Thailand and Korea. In India, it is over nine. Finally, and most importantly, the incentive structure for government school teachers is highly distorted, virtually guaranteeing poor performance.

7. Right to Education Act, 2009 :

On 26th January 1950 when Indian Constitution was reinforced, it had in its Article 45A Directive principle promising free and compulsory education for all children until they complete the age of 14 years. This was to be attained within 10 years. But the state that was responsible for implementing the constitutional promise of free and compulsory education for all children up to the age of 14 years could not do so for next 5 decades.

In December 2002 86th Amendment Act (2002) via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years. In October 2003 A first draft of the legislation envisaged in the above Article, viz., Free and Compulsory Education for Children Bill, 2003, was prepared and posted on this website in October, 2003, inviting comments and suggestions from the public at large. In 2004 Subsequently, taking into account the suggestions received on this draft, a revised draft of the Bill entitled Free and Compulsory Education Bill, 2004. June 2005 The CABE (Central Advisory Board of Education) committee drafted the „Right to Education“ Bill and submitted to the Ministry of Human Resources and Development (MHRD). MHRD sent it to NAC (National Advisory Council). NAC sent the Bill to Prime Minister for his observation.14th July 2006 The finance committee and planning commission rejected the bill citing the lack of funds and a model bill was sent to states for the making necessary arrangements. (Post-86th amendment, states had already cited lack of funds at State level) July 19, 2006 Campaign against Child Labor (CACL), National Alliance to Fundamental Right to Education

In the 60th year of India became Republic, on the 27th day of August 2009, Right of children to free and Compulsory education act 2009 was notified. Through 86th constitutional amendment, Article 21-a (part III) was inserted in the fundamental right section of constitution under which, “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. The path to the most sought ‘Right to Education’ was not as simple and easy. For understanding it in a better way, we will have to dwell into the history of Indian Education.

Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act added Article 21A. The Right to Education act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the schools will be managed by School Management Committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee. The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality. (RTE Act of 2009)

8. Significance of RTE :

With the passing of the Right to Education Act, India has moved to a rights-based approach towards implementing education for all. This Act casts a legal obligation on the state and central governments to execute the fundamental rights of a child (as per Article 21 A of the Constitution). The Act lays down specific standards for the student-teacher ratio, which is a very important concept in providing quality education. It also talks about providing separate toilet facilities for girls and boys, having adequate standards for classroom conditions, drinking water facilities etc. The stress on avoiding the urban-rural imbalance in teachers’ posting is important as there is a big gap in the quality and numbers regarding education in the villages compared to the urban areas in the country.

The Act provides for zero tolerance against the harassment and discrimination of children. The prohibition of screening procedures for admission ensures that there would be no discrimination of children on the basis of caste, religion, gender, etc.

The Act also mandates that no kid is detained until class 8. It introduced the Continuous Comprehensive Evaluation (CCE) system in 2009 to have grade-appropriate learning outcomes in schools.

The Act also provides for the formation of a School Management Committee (SMC) in every school in order to promote participatory democracy and governance in all elementary schools. These committees have the authority to monitor the school’s functioning and prepare developmental plans for it.

The Act is justifiable and has a Grievance Redressal mechanism that permits people to take action when the provisions of the Act are not complied with.

The RTE Act mandates for all private schools to reserve 25 per cent of their seats for children from socially disadvantaged and economically backward sections. This move is intended to boost social inclusion and pave the way for a more just and equal country.

This provision is included in Section 12(1) (c) of the RTE Act. All schools (private, unaided, aided or special category) must reserve 25% of their seats at the entry-level for students from the Economically Weaker Sections (EWS) and disadvantaged groups.

When the rough version of the Act was drafted in 2005, there was a lot of outcry in the country against this large percentage of seats being reserved for the underprivileged. However, the framers of the draft stood their ground and were able to justify the 25% reservation in private schools. This provision is a far-reaching move and perhaps the most important step in so far as inclusive education is concerned.

This provision seeks to achieve social integration. The loss incurred by the schools as a result of this would be reimbursed by the central government. The Act has increased enrolment in the upper primary level (Class 6-8) between 2009 and 2016 by 19.4%. In rural areas, in 2016, only 3.3% of children in the 6 – 14 years bracket were out of school.

9. The Limitations of the RTE Act :

Even though the RTE Act is a step in the right direction towards the achievement of making education truly free and compulsory in India, it has met with several criticisms. Some of the criticisms are given below:

The Act was drafted hastily without much thought or consultation being given to the quality of education imparted. Children below 6 years are not covered under the Act. Many of the schemes under the Act have been compared

to the previous schemes on education such as the Sarva Shiksha Abhiyan, and have been plagued with corruption charges and inefficiency. At the time of admissions, many documents such as birth certificate, BPL certificate, etc. are required. This move seems to have left out orphans from being beneficiaries of the Act. There have been implementation hurdles in the 25% reservation of seats for EWS and others in private schools. Some of the challenges in this regard are discriminatory behaviour towards parents and difficulties experienced by students to fit in with a different socio-cultural milieu. Regarding the 'no detention' policy till class 8, an amendment to the Act in 2019, introduced regular annual exams in classes 5 and 8. In case a student fails in the annual exam, he/she is given extra training and made to appear for a re-exam. If this re-exam is not passed, the student can be detained in the class.

It has been found that many states find it difficult to move to the CCE system of assessment. This is chiefly due to a lack of teachers' training and orientation.

Another criticism leveled against the Act is that instead of increasing the standards and outcomes of the public education system in India, it passes the buck to private schools with some respect.

10. Conclusion :

The above discussion shows that there is an inseparable connection between democracy and education. Democracy cannot be thought of in segregation from the spectrum of education. The educational policies before 1986 clearly recommended in accordance with the larger goals of establishing democratic society as enshrined in the constitution of India. The National Policy on Education of 1986 was revised in 1992 treated education as a unique investment in the present and future for the development of manpower for different levels of economy, non-formal education for the Drop-outs and generating own resource (NPE,1986). This was the beginning of an era where privatization of education was promoted indiscriminately with ever shrinking space for public funded higher education system in the country. Amid the increasing privatization of education, RTE act was passed promising equal and quality education to all. There are many layers of schools in the private sector and public sector catering to different classes of different paying capacities. The quality and equity are at stake shaking the very foundations of democracy. Therefore, now the government and all stakeholders should focus on the quality of education, and gradually move towards having a single educational system and platform across the country for all sections of society in order to foster equality, inclusion, and unity.

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