

**CHAPTER-III**

**REFLECTIONS ON RIGHT TO EDUCATION (RTE) AND**

**SARVA SIKSHA ABHIYAN (SSA)**

3.1: Introduction:

Rights are the precondition for development of ones personality. Right to education for a person in this context is one of the prerequisites for a country's progress and development and is explicitly linked with the criteria for development like improving public health, poverty reduction, gender equality and increasing the level of democratic participation. Both education and development lead to a rapid socio-economic progress of a nation and thus democracy can be made successful both as a form of government and as a way of life. The inevitable relationship between literacy and development demands that primary education must be provided to every child. Recognizing this fact efforts have been made to make right to education free and compulsory for all children both at the national and international level. The commitment of the world community for peace, progress and prosperity lead us to accept education as a Human Right for all that is bounded by legal enforcement.

### 3.2: International Legal Framework for RTE: Right to Education as a Human Right.

In 1945, many countries of the world came together for the establishment of peace and humanity and also to make a commitment to respect the dignity of human being all over the world. A remarkable declaration was made in the human history in the form of Universal Declaration of Human Rights, 1948 that describes the nature and extent of human rights encompassing a number of social, political, economic and cultural rights of individuals in a great detail. Amongst many other rights, the right to education was recognized as a human right for all.

Article 26 of the UDHR stipulates that-

“Everybody has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory.....”

This suggests that education should be accessible to all people. There are many people all over the world who are not able to attend school because of disabilities, child marriage, child labour, poverty, school related violence, far distance to school and many other reasons. A part from these there are also children who dropout of school or those who attend school and still do not acquire basic literacy skill. Article 26 of UDHR addressing all these issues has declared for free and compulsory education for all children and inspires the international community to take necessary steps in this regard.

Between 1976 and 1990s a series of international covenants and conventions were promulgated which provided a comprehensive legal basis for required measures to protect and deliver human rights. The earliest two of these, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), together with the Universal Declaration on Human Rights (UDHR) have been proclaimed by the United Nations to constitute the International Bill on Human Rights. They contain the provisions on compulsory and free primary education, and non-discrimination in education, that were first set out in the 1948 Declaration. The two more recent conventions--- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and The Convention on the Rights of the Child (CRC, 1989), contains the most comprehensive sets of legally enforceable commitments concerning both right to education and gender equality. CEDAW includes provision for ending gender discrimination by saying that there shall be no distinction in the extent of educational provision for women and men. Again CRC is the most widely accepted human rights treaty and contains strong guarantees of the right to education. It reaffirms the rights of every child, without discrimination of any kind to free and compulsory primary schooling.<sup>1</sup>

Aside from these legal international enforcements, the *Education for All* movement was launched as a global commitment to provide quality basic education for all children. The nations of the world gathered at the World Conference on Education for All (EFA) held in March 5-9, 1990, in Jomtien (Thailand) and adopted a declaration to take effective steps for achievement of EFA by the year 2000. The most important goal of the EFA declaration was Universalization of Elementary Education (UEE), to be

made accessible by all children up to the 14 years of age. But the international community had to meet again in 2000, in Dakar, Senegal as the world missed out the goal of UEE. The 164 governments that assembled in Dakar platform adopted another set of six ambitious goals on education. These goals are set out with a view to expand the learning opportunities for all children, youth and adults by 2015.

### 3.2.1. The Six Education for All (EFA) Goals<sup>2</sup>:

Goal 1—***Expand early childhood care and education***: Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.

Goal 2—***Provide free and compulsory primary education for all***: Ensuring that by 2015, all children, particularly girls' children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality.

Goal 3—***Promote learning and life skill for young people and adults***: Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skill programme.

Goal 4—***Increase adult literacy by 50 percent***: Achieving a 50 percent improvement in all level of adult literacy by 2015, especially for women and equitable access to basic and continuing education for all adults.

Goal 5—*Achieve gender parity by 2005, gender equality by 2015*: Eliminating gender disparities in primary and secondary education by 2005 and achieving gender equality in education by 2015, with a focus on ensuring girls’ full and equal access to and achievement in basic education of good quality.

Goal 6—*Improve the quality of education*: Improving all aspects of the quality of education and ensuring excellence of all, so that recognized and measurable learning outcomes are achieved by all specially in literacy, numeracy and essential life skills.

Out of these six goals, three are time bound goals to be achieved by the targeted year 2015. At the United Nations Millennium Summit also in 2000, the world leaders adopted eight Millennium Development Goals (MDGs). These goals are also set to be achieved within a timeframe period by 2015. The MDGs encompassed a wide range of goals from the reduction of extreme poverty and child mortality, to improve access to water and sanitation, progress in cutting infectious diseases and strengthened gender equality. Specific target in the field of education is set to achieve universal primary school completion and gender parity at all levels of schooling by 2015. In this regard the Dakar Framework targets and the MDGs are complementary. Progress in education depends on advances in other areas, including the reduction of extreme poverty, the achievement of gender equity and improvement in child health. Children whose lives are blighted with hunger, poverty and disease are clearly not equipped to realize their potential in education. As such without fulfilment of the MDGs the ambition for EFA can not be achieved and in the same way progress towards MDG’s targets depends critically on progress in education.<sup>3</sup>

Though all these goals are very ambitious and are essential to be fulfilled by the countries in order to bring rapid economic and social development, most of the countries of the world is off track on these goals. 'Universal primary education is not just about getting children into school at an appropriate age. It is also about ensuring that they stay in school to complete a full cycle of quality basic education'. (EFA, GMR, 2009). But the goal for providing free and compulsory education has been missed by many countries with reaching the early part of the targeted year 2015. Though there has been considerable progress in literacy level since the last decade, yet the EFA goal would be remained unfulfilled as the Global Monitoring Report, 2013-14 states that till 2011, there are still 57 million children all over the world who are remaining out of school. Out of these total out of school children 54% are girls. Thus gender difference in primary education still persists in many countries (EFA GMR, 2013-14). The Report also states that the target for eliminating gender difference in primary and secondary education was set out in 2005 which has missed out much earlier. Most of the children who do not go to school belong to the conflict prone countries of the world. Another goal was set to improve the quality of education, but according to the EFA, GMR, 2013-14, there are still 250 million children who are deprived of getting quality education.

### 3.3. Constitutional Background for Right to Education (RTE) in India:

At the time of independence in the year 1947, India inherited a system of education which was not only quantitatively small but also characterized by the

persistence of large intra and inter-regional as well as structural imbalances. Only 14 percent of population was literate and one child out of three had been enrolled in the primary school (Shirname, 2007). Hence there was demand for increasing the number of literate person for the smooth running of the ongoing nation building process. In the light of UDHR, 1948, India also made a constitutional commitment to provide free and compulsory education for all children up to the age of 14 years, in Article 45 at the time of adoption of the Indian Constitution. The Article stated—‘Provision for free and compulsory education for all children. The state shall endeavour to provide within a period of ten years from the commencement of this constitution, for all children until they complete the age of fourteen years’.

The goal of Universalization of Elementary Education (UEE) was associated with the insertion of the Article 45 in the Constitution. ‘Keeping in view the educational facilities available in the country at that time, the goal was far too ambitious to achieve within a short span of ten years.’ And the result was not satisfactory. A number of efforts have been initiated in India to facilitate the achievement of UEE goal. In order to give access to elementary education for all children up to the 14 years of age and for universal participation till they complete the elementary stage of education, the National Policy on Education (NPE) in 1968, the NPE in 1986, the Programme of Action (POA) elaborated in the NPE of 1986 and the updated form of the NPE in 1992 gave an unqualified priority to the Universalization of Elementary Education (UEE)<sup>4</sup>.

Despite a number of efforts made in the field of education, the literacy scenario of the country had not gone up to the expected level. Dissatisfied with the countries progress in the literacy scenario the Supreme Court of India decided the public interest litigation case-- Unikrishnan J. P. Vs Andhra Pradesh which was mainly concerned with

enforcement of right to education. Expressing its concern at the failure of the Government of India to uphold its duty under Article 45 to ensure free and compulsory elementary education, the apex court declared that basic education (education up to the age of 14 years) is a fundamental right of every child. It further held that the right to education is a fundamental right at par with the right to life. According to the Court the right flows from Article 21 of the Constitution relating to protection of life and personal liberty and its contents and parameters have to be determined in the light of Article 41 which provides for right to work, to education and to public assistance in certain cases and Article 45 which provides free and compulsory education to children up to the age of 14 years. The effect of this Unnikrishnan verdict was immediate.<sup>5</sup> Upholding the Supreme Court decision, one of the major initiative adopted by the Indian Government was insertion of Article 21 (A) in the Constitution declaring the right to education as a Fundamental Right in 2002 by the 86<sup>th</sup> constitutional Amendment Act. The amendment included the following provisions:

(a) ***Insertion of New Article 21(A)***—After Article 21 of the Constitution the following article shall be inserted namely:

“21(A) Right to Education—The state shall provide free and compulsory education to all children of the age of six to fourteen years in a manner as the state may by law determine.”

(b) ***Substitution of New Article for Article 45***—For Article 45 of the Constitution, the following article shall be substituted, namely;



“45 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 six years”.

**(c) Amendment of Article 51A**—In Article 51A of the Constitution, after clause (j), the following clause shall be added namely:

“(k) Who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years.”<sup>6</sup>

### 3.4. Policy Initiatives for RTE in India:

Education in India is included in the Concurrent List and it is the joint responsibility of the Central and State governments to provide educational facilities to the people. During the post independence period, the Government of India accepted elementary education as free and compulsory for children between the age group 6-14 years. The First Five Year Plan gave priority to the objective of Universalization of Elementary Education (UEE). The declaration of National Policy on Education, 1968, 1986 and its revised form in 1992 with its Programme of Action are remarkable in this context. Apart from these programmes, as a response to huge public demand for elementary education the Central and State Governments launched a number of programmes to promote primary education all over the country. Chief among them are--

- Total Literacy Campaigns (TLC), Mahila Samakhya (MS), Operation Blackboard (OB), District Primary Education Programme (DPEP), Non Formal Education (NFE),

Siksha Karmi Project SKP), Lok Jumbish Project (LJP), National Programme of Nutritional Support to Primary Education (Popularly known as Mid- Day Meal Scheme).

**The National Policy on Education (NPE), 1986:** The National Policy on Education (NPE), 1986 and its Programme of Action (POA—1986) have been marked as a significant step in the history of educational policy in India. Prior to it, the NPE 1968, stressed on the elimination of disparities in the educational system and on the improvement in the quality of the school. The emphasis was more on retention rather than merely on enrolment. But it failed to achieve the goal of UEE and the system of education could not adapt at the same pace with other advanced areas. As a result in 1986, the National Policy on Education was declared. It was further refined in 1992 with its Programme of Action. NPE, 1986 advocated the need to evolve a national system of education based on a common educational structure, a national curriculum framework and minimum levels of learning for each stage of education. It emphasized on elimination of disparities in the educational system, including the promotion of women's equality, special provision for scheduled caste and scheduled tribes and other educationally disadvantaged sections, minorities, the handicapped and people in backward areas. NPE, 1986 also focused on the need for improvement in the school environment, instructional material and teacher training. As a result of the NPE policy initiatives changes are being made—a massive infrastructure development and teacher recruitment drive was initiated nationally.

Through the revised National Policy on Education, 1992, new strategies and schemes have been developed in terms of improved quality of school provision; focus on learning outcomes, teacher capacity building, and community participation in

education, evolving effective and efficient management structures in education. The POA, 1992 emphasized three aspects: universal access and enrolment, universal retention of children up to the age of 14 years and a substantial improvement in the quality of education to enable all children to achieve essential levels of learning at the primary education levels.

In the Indian context *Education for All (EFA)* would imply<sup>7</sup>:

- a) Expansion of early childhood care and development of activities including family and communities especially for poor and disadvantaged children.
- b) Universal elementary education (UEE) viewed as a composite programme of access to elementary education for all children up to 14 years of age, universal participation till they complete the elementary stage through formal and non-formal education programme, and universal achievement of at least the minimum levels of learning.
- c) Drastic reduction in illiteracy, particularly in the age of 15-35 age groups, bringing the literacy level in this age group at least to 80 percent in each gender and for every identified disadvantaged group, ensuring that the levels of three R's are relevant to the living and working condition of the people.
- d) Provision of opportunities to maintain, use and upgrade their education and provision for the facilities for development of skills, to all persons who are functionally literate and those who have received primary education through the formal and non-formal channels.
- e) Creation of necessary structure and setting in motion process which would empower and make education an instrument of women's equality.

- f) Improving the content and process of education, people's culture and their living and working conditions, thereby enhancing their ability to learn and cope with problems of livelihood and environment.

The Government of India has adopted new innovative schemes and programmes as a result of the increasing demands for primary education with a view to realize the objectives of UEE. Some among them are as follows<sup>8</sup>-

**Non- Formal Education:** The Non-Formal Education (NFE) scheme was initiated in 1979 for the children of 6-14 years of age, who remain outside the formal education system due to various reasons. NFE cater learning needs of working children and children in difficult circumstances. The scheme is recently revised and named as *Scheme of Alternative and Innovative Education*. The scheme envisages that all habitations that do not have an elementary education centre within a radius of one kilometre will have one at the earliest. As a part of the scheme, school mapping exercise will be conducted to identify school-less habitations, which will help to locate habitations where alternative centres are to be provided.

**Operation Blackboard (OB):** The scheme of Operation Blackboard was launched in 1987 to improve facilities in schools. The scheme had three components, namely (i) an additional teacher to single teacher primary schools; (ii) providing at least two classrooms in each primary school; and (iii) providing teaching-learning equipment to all primary schools. The OB Scheme seeks to bring both the quantitative and qualitative improvements in primary education. During the Ninth Plan, third teacher was provided to more than 22 thousand schools and this scheme covered around 78 thousand upper primary schools and to these schools new teaching-learning materials were supplied.

**Siksha Karmi Project (SKP):** The Siksha Karmi Project is another important programme, which have received attention at the international level and was funded by Swedish International Development Authority. SKP focuses its attention on universalization and qualitative improvement of primary education in remote areas and socio- economically backward villages with primary attention given to girls. It seeks to tackle the problems of teacher's absenting themselves from work. Siksha Karmi means voluntary education worker, and the project had a strong component of training inputs. When SKP was implemented in Rajasthan in 1984, there were no women teachers. The initial document clearly stated the principal of two Siksha karmis, one man and one woman in each village. The Mahila Sikshan Kendras were established to increase the number of women teachers with a view to motivate more girls for schooling.

**Total Literacy Campaigns (TLC):** The literacy programmes in India are managed by the National Literacy Mission (NLM) launched in 1992 with an aim to make 100 million literates of the age group 15-35 years by 2000. The NLM launched Total Literacy Campaign in a large number of districts in order to mobilize the society in the affairs of the literacy programmes. The TLC mobilizes communities and contributed to greater participation of children in school. The uniqueness of the TLC lies on the fact that it is delivered through voluntarism. The programme is being implemented through the Zila (District) Saksharata Samities created for the purpose.

**District Primary Education Programme (DPEP):** The DPEP is a centrally-sponsored scheme and is implemented in a mission mode through a registered, state level autonomous society. The programme was initially launched in 1994 in 42 districts spread over states—Assam, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra and Tamil Nadu. Later, it was extended to Uttar Pradesh, Bihar, West Bengal, Andhra

Pradesh, Orissa, Gujarat and Himachal Pradesh. Majority of the DPEP districts with high share of tribal and socially disadvantaged population were among the most educationally backward districts in the country. The aims of DPEP were-

- To provide all children with access to primary education either in the formal system or through the non- formal system.
- To reduce differences in enrolment, dropout rates and learning achievement among gender and social groups to less than 5 percent.
- To reduce overall primary dropout rates (classes I—V) for all students to less than 10 percent.
- To raise average achievement levels by at least 25 percent over measured baseline levels and ensure achievements of basic literacy and numeric competency and a minimum of 40 percent achievement levels in other competencies by all primary school children.

It is to be noted here that the launching of DPEP in India with funding from both Central and State Governments helped in increasing the literacy rate to a great extent. DPEP has given a huge support to the Government of India in her way to achieving the Education for All (EFA) goals.

**Andhra Pradesh Primary Education Project (APPEP):** In 1983, India obtained assistance from the Overseas Development Administration (ODA) of U.K. for implementing the Andhra Pradesh Primary Education Project (APPEP). This project is aimed at the quality improvement of primary education in the project area. The scope of this project did not cover certain components of basic education such as, non-formal education and the focus on education for girls. Instead, the project emphasized the

enhancement of the teacher's and the supervisor's professional competence, and assisted in the construction of primary school buildings.

**Bihar Education Project (BEP):** The Bihar Education Project (BEP) represent the first major attempt in India to include the board range of national EFA concerns, issues, approaches, and strategies in one large-scale operational programme. The Government of India, the state of Government of Bihar, NGO's teacher representatives and distinguished women and educationists are represented in these bodies so that planning and monitoring are done in a participatory manner. This project covers all components of elementary education and expanded in a phased manner in 20 districts. Village Education Committees play an important role in the implementation of the project at the village level. Initially this project emphasized mobilization and literacy activities in 1991, which has shifted the focus to primary education.

**Utter Pradesh Basic Education Project:** The Utter Pradesh Basic Education Project also implemented a participative state level autonomous society, with the Vernacular Education Centres (VECs) playing an active role in the implementation of the projects at the grass-root level. This project is the first major primary education project funded by the World Bank in India. The project attempts to operationalize the concepts of school complexes to provide resource support to schools.

**Lok Jumbish:** The Lok Jumbish, people's movement for basic education for all, Rajasthan is being implemented in Rajasthan since 1992, with assistance from the Swedish International Development Authority (SIDA). The project relies heavily on people's mobilization and seeks to bring about maximum possible decentralization of management, accountability and relevance of the educational system. The overall goal of the project was to achieve education for all in Rajasthan by the year 2000. In this

programme a Women Teacher's Forum was also created to boost the participation of women teachers in residential training camps and to encourage them to become trainers.

**National Programme for Nutritional Support (Mid-day Meal):** The *National Programme for Nutritional Support to Primary Education* (launched in 1995) provides food grains/cooked meals to children in primary classes. The programme assures 100 grams of food grains per day for children attending schools for at least 80 per cent of the total school days in a month. Annual Report: MHRD, 1999-2000 states that 9.90 million children were covered under the scheme and allocated 2.71 million metric tones of food grains in that year. Along with teachers, the local community is also given responsibility in the distribution of food grains.

### 3.5. The Rights of Children to Free and Compulsory Education Act, 2009.

When the Constitution of India was framed, there was no Article relating to Right to education. Article 45 was introduced under Part-IV 'Directive Principles of State policy'. The Article stated- 'Provision for free and compulsory education for all children'. The state shall endeavour to provide within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years.<sup>9</sup>

Vigorous efforts were made to implement the Article 45, but results were not satisfactory. The Supreme Court of India while hearing a case pertaining to education advised the Government of India to enact a suitable legislation for Universalisation of Elementary Education (UEE).<sup>10</sup> Accordingly, the Constitution of India was amended and right to education was included under Article 21 (A) as a fundamental right in 2002.



In the later stages in order to make a suitable legislation, on 26<sup>th</sup> August, 2009, Parliament passed the historic Right of Children to Free and Compulsory Education (RTE) Act, 2009. The new law must be seen from the perspective of children. It provides for a justifiable legal framework that entitles all children between the ages of 6-14 years to an education of reasonable quality based on the principles of equity and non-discrimination. More importantly, it provides for the child's right to education that is free from fear, stress and anxiety.<sup>11</sup>

The RTE Act provides for:

- (i) The right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- (ii) It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- (iii) It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- (iv) It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.

- (v) It lays down the norms and standards relating to, *inter alia*, Pupil Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours.
- (vi) It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is practically no urban-rural imbalance in teacher postings. It also prohibits deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- (vii) It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite training and academic qualifications.
- (viii) For children in 6-14 age group it prohibits (i) physical punishment and mental harassment, (ii) screening procedures for admission, (iii)capitation fees, (iv) private tuition by teachers, (v) running of schools without recognition,
- (ix) It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.
- (x) It provides for protection and monitoring of the child's right to free and compulsory education and redressal of grievances by the National and State Commissions for Protection of Child Rights, which shall have the powers of a civil court.

The Act contains several provisions that require to be put in place in order to ensure its proper implementation, including, inter alia, systems for age appropriate enrolment, mechanisms for school and habitation mapping, recruitment and re-deployment of teachers to ensure that the pupil teacher ratio is maintained in every school, enhancing the quality of the entire teacher workforce to a common national standard and training of ‘untrained’ teachers, reviewing the content and process of curriculum, undertaking ongoing and continuous evaluation, establishing school management committees and ensuring management and supervision of schools with community support.<sup>12</sup>

#### Evaluation of the RTE Act, 2009:

Regarding the provisions of the RTE Act, 2009, a detailed discussion and debate is being held among the scholars, academicians, educationists and students organizations all over India. The All India Students Association (AISA)<sup>13</sup> has made a question over the issue of RTE – how should right to education be defined? In 1993, in its landmark Unnikrishnan judgement the Supreme Court declared that from birth until the age of fourteen, children were entitled to free and compulsory education and this was accorded the status of basic right. Children below the age of six were to be given adequate nutrition, healthcare, a safe childhood, and pre-primary education. Children between the ages of 6-14 years were granted the basic right to primary education for these eight years. This is the most widely accepted definition of the ‘Right to Education’: namely—the right of all children until the age of fourteen to nutrition, healthcare, safety and education of an equitable standard free of cost.

But unfortunately the new Article inserted in Article 21 as Article 21A declaring education as fundamental right has limited the entitlement of this right to the age group between 6-14 years thereby depriving many children from enjoying this right in crores in India. Also this article stated that free and compulsory education shall be provided “in such manner as the state may, by law, determine”. Thus, it depends on state government’s wishes to define what constitutes ‘free and compulsory education’ and is not bound by the term of Unnikrishnan verdict.

Similarly, the RTE Act, 2009 also makes provision for free and compulsory education to be provided by the state from class I—VIII i.e. between 6-14 years of children and thus it is based on the 86<sup>th</sup> Constitutional Amendment and a huge number of children below the six years have been left out from being included within the purview of this legal framework. The Act also remains silent about the education of the children, after completion of eight years of free and compulsory schooling. What will happen to a poor economically backward child if he would have to pay fees to read after class VIII? It will again lead him either to leave the school or to become a labour without completing the secondary education for economic reasons. Some other provisions of the Act are also been debated in this context (Aggarwal & Gupta, 2010). The Act has provision for compulsory education for the children. But a question arises here, what will happen if the parents do not send their children to school? There is no any provision for punishment or any action against the parents those who do not send their children to school. Again regarding the provision for 25% reservation for poor students in the private schools, the documents provide only for reimbursement of tuition fees of those poor children excluding other fees levied by most of the private schools.

For many teachers and academicians, the policy of ‘not holding back children in any classes’ suggested by the Act would have further worst impact on the quality of education. According to them at least there should be some monitoring system for student’s academic progress and a system of better treatment for the weak students.

Another crucial point for debate about the Act is that it does not provide any provision for the exclusion of government school teachers from census, election and disaster relief duties which may affect the smooth and systematic learning of the students throughout the year. The Act also prohibits corporal punishment as well as mental harassment of pupils. But ‘mental harassment’ is left without a clear definition in the Act. This ambiguous part of the prohibitory provision could be misused against the teachers by parents or school management.

Some other scholars have pointed out the critical component affecting the outcomes that eligibility of teachers would be based on minimum qualifications as laid down by an academic authority. However the Act also allows for unqualified teachers to continue for five years after the Act comes into effect, on grounds of lack of availability of trained teachers. It also provides relaxation of rules and appointment of unqualified teachers for five years till the Act is notified. This only reflects government’s non-serious approach to implement the Act and its disregard of quality of outcomes (Jha & Parvati, 2010).

Thus, we can say that though the Rights of Children to Free and Compulsory Education Act is a very significant legal document for protecting the educational rights of the children, yet some scholars considers it as not very significant for achieving UEE within a limited timeframe that was an aim in including Article 45 and Article 21A of the Constitution.

### 3.6. Initiative Addressing the Objectives of Right to Education in India:

#### Sarva Siksha Abhiyan (SSA):

Since independence, India has implemented a number of programmes and schemes in the field of primary education to realize the constitutional commitment for providing education as a fundamental right for all people. There has been a considerable progress in the field of primary education in providing Education for All (EFA) goals. However, enrolment and retention is not the only criteria for achieving the EFA goals. The matter of quality education still remains a major concern for all and we are still lagging behind in this specific area. Much need to be done also for the special focus groups like S.C.s, S.T.s, girls, minorities and disabled children. Hence in response to the demand for quality basic education all over the country the Government of India launched Sarva Siksha Abhiyan (SSA) programme in 2001-2002. SSA is an effort to universalize elementary education by community ownership of the school system. SSA is a comprehensive and integrated flagship programme of Government of India that has been launched with the State Governments and Local Self Governments. This programme aims to provide useful and relevant, elementary education to all children in the 6-14 age group by 2010. Thus it is a time bound implementation strategy to provide quality education through decentralized planning. On one hand SSA is a programme with its own targets, norms and processes and on the other it is an umbrella programme covering other programmes like District Primary Education Programme (DPEP), Lok Jumbish, Operation Blackboard (OB) etc.<sup>14</sup>

Realizing the need for community participation in the schooling system for the successful implementation of its strategies SSA has emphasized the involvement of local people and stakeholders in planning. The programme also lays emphasis on bridging all gender and social category gaps at elementary education level with time bound objectives and with this aim it has incorporated new intervention schemes like National Programme for Girls Education at Elementary Level (NPEGEL), Kasturba Gandhi Balika Vidyalaya (KGBV) etc. within its manifold.

### 3.6.1. Basic Features of Sarva Siksha Abhiyan (SSA)<sup>15</sup>: SSA is-

- A programme with a clear time frame for universal elementary education.
- A response to the demand for quality basic education all over the country.
- An opportunity for promoting social justice through basic education.
- An effort at effectively involving the Panchayati Raj Institutions, School management Committees, Village and Urban Slum level Education Committees, Parent's Teacher's Associations, Mothers Teachers associations, Tribal Autonomous Councils and other grass root level structures in the management of elementary schools.
- An expression of political will for universal elementary education across the country.
- A partnership between the Central, State and the local government.
- An opportunity for states to develop their own vision of elementary education

### 3.6.2. Aims of Sarva Siksha Abhiyan<sup>16</sup>:

1. The SSA is to provide useful and relevant elementary education for all children in the 6-14 age groups by 2010. There is also another goal to bridge social, regional and gender gaps, with the active participation of the community in the management of schools.
2. Useful and relevant education signifies a quest for an education system that is not alienating and that draws on community solidarity. Its aim is to allow children to learn about and master their natural environment in a manner that allows the fullest harnessing of their human potential both spiritually and materially. This quest must also be a process of value based learning that allow children an opportunity to work for each other's well being rather than to permit mere selfish pursuits.
3. SSA realizes the importance of Early Childhood Care and Education (ECCE) and looks at the 0-14 age as a continuum. All efforts to support pre-school learning in ICDS centres or special pre-school centres in non ICDS areas will be made to supplement the efforts being made by the Ministry of Women and Child Development.

### 3.6.3. Objectives of SSA<sup>17</sup>:

1. All children in school, Education Guarantee Centre, Alternate School, "back-to-School" camp by 2003.



2. All children complete five years of primary schooling by 2007.
3. All children complete eight years of elementary schooling by 2010.
4. Focus on elementary education of satisfactory quality with emphasis on education for life.
5. Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010.
6. Universal retention by 2010.

#### 3.6.4. Broad Strategies Central to SSA Programme<sup>18</sup>:

1. **Institutional Reforms** -As part of the SSA the central and the State Governments will undertake reforms in order to improve efficiency of the delivery system. The states will have to make an objective assessment of their prevalent education system including educational administration, achievement levels in schools, financial issues, decentralisation and community ownership, review of State Education Act, rationalization of teacher deployment and recruitment of teachers, monitoring and evaluation, education of girls, SC/ST and disadvantaged groups, policy regarding private schools and ECCE. Many States have already carried out changes to improve the delivery system for elementary education.
2. **Sustainable Financing**- The Sarva Shiksha Abhiyan based on the premise that financing of elementary education interventions has to be sustainable. This calls for a long-term perspective on financial partnership between the Central and the State governments.

3. **Community Ownership** -The programme calls for community ownership of school-based interventions through effective decentralisation. This will be augmented by involvement of women's groups, VEC members and members of Panchayati Raj institutions.
4. **Institutional Capacity Building** -The SSA conceive a major capacity building role for national and state level institutions like NIEPA/NCERT/NCTE/SCERT/SIEMAT.
5. **Improvement in quality**- requires a sustainable support system of resource persons.
6. **Improving Mainstream Educational Administration** – It calls for improvement of mainstream educational administration by institutional development, infusion of new approaches and by adoption of cost effective and efficient methods.
7. **Community Based Monitoring with Full Transparency** – The Programme will have a community based monitoring system. The Educational Management Information System (EMIS) will correlate school level data with community-based information from micro planning and surveys. Besides this, every school will have a notice board showing all the grants received by the school and other details.
8. **Habitation as a Unit of Planning** – The SSA works on a **Community based approach** to planning with habitation as a unit of planning. Habitation plans will be the basis for formulating district plans.
9. **Accountability to community** – SSA envisages cooperation between teachers, parents and PRIs, as well as accountability and transparency.

10. **Priority to Education of Girls** – Education of girls, especially those belonging to the scheduled castes and scheduled tribes, will be one of the principal concerns in Sarva Shiksha Abhiyan.
11. **Focus on Special Groups** – There will be a focus on the educational participation of children from SC/ST, religious and linguistic minorities, disadvantaged groups and the disabled children.
12. **Pre-Project Phase** – SSA will commence throughout the country with a well-planned pre project phase that provides for a large number of interventions for capacity development to improve the delivery and monitoring system. These include provision for community-based micro-planning and school mapping, training of community leaders, school level activities, support for setting up information system, office equipment, diagnostic studies etc.
13. **Trust on Quality** – SSA lays a special thrust on making education at the elementary level useful and relevant for children by improving the curriculum, child-centred activities and effective teaching learning strategies.
14. **Role of teachers** – SSA recognizes the critical and central role of teachers and advocates a focus on their development needs. Setting up of BRC/CRC, recruitment of qualified teachers, opportunities for teacher development through participation in curriculum related material development, focus on classroom process and exposure visits for teachers are all designed to develop the human resource among teachers.
15. **District Elementary Education Plans** – As per the SSA framework, each district will prepare a District Elementary Education Plan reflecting all the investments being made in the elementary education sector, with a holistic and

convergent approach. There will be a Perspective Plan that will give a framework of activities over a longer time frame to achieve UEE. There will also be an Annual Work Plan and Budget that will list the prioritized activities to be carried out in that year. The Perspective Plan will also be a dynamic document subject to constant improvement in the course of Programme Implementation.

### 3.6.5. Financial Norms under Sarva Siksha Abhiyan (MHRD, Department of Education, GOI):

1. The assistance under the programme of SSA will be on an 85:15 sharing arrangement during the IX Plan, 75:25 sharing arrangement during the X Plan for all states. During the XI Plan, it will be 65:35 for the first two years that is 2007-08 and 2008-09; 60:40 for the third year i.e. 2009-10; 55:45 for the fourth year i.e. 2010-11; and 50:50 there after i.e. from 2011-12 onwards between the Central government and state Governments/ Union Territories other than North-Eastern States. For the eight North- Eastern States the fund Sharing pattern between Centre and States shall be 90:10 under the programme during the XI plan period and till the end of the programme with the Centre's share resourced from the 10 percent earmarked funds for the North- Eastern Region from the Central Budget for the SSA. (Ref. No. F. No. 2.40/2004-EE.3 dated 25<sup>th</sup> September, 2007). Commitments regarding sharing of costs would be taken from State Governments in writing.

2. The State Governments will have to maintain their level of investment in elementary education as in 1999-2000. The contribution as State share for SSA will be over and above this investment.
3. The Government of India would release funds directly to the State Implementation Society. The further instalments would be released to the Society only after the State Government has transferred its matching share to the society and expenditure of at least 50 percent of the funds (Centre and States) transferred has been incurred.
4. All legal agreements regarding externally assisted projects will continue to apply unless specific modifications have been agreed to, in consultation with foreign funding agencies.
5. Existing schemes of elementary education to the Department (except Mahila Samakhya, National Bal Bhawan and NCTE) will converge into SSA after the IX Plan. The National Programme for Nutritional Support to Primary Education (Mid-Day- Meal) would remain a distinct intervention.
6. All funds to be used for up gradation, maintenance, repair of schools and Teaching Learning Equipment and local management to be transferred to VECs/ School Management Committees/ Gram Panchayat/ or any other village/ school level arrangements for decentralization adopted by that particular state/ U.T. The village/ school based body may make a resolution regarding the best way of procurement.
7. Other incentive schemes like distribution of scholarships and uniform will continue to be funded under the State Plan. They will not be funded under the SSA programme.

The Evaluation Report on Sarva Siksha Abhiyan, May, 2010<sup>19</sup> states the financial resources released to the SSA programme during Ninth, Tenth and Eleven Five year Plan. These are stated below-

As SSA was launched towards the end of the Ninth Five Year Plan(2001-2002), the outlay and the expenditure on the scheme was nominal with the total allocation for the programme Rs. 500 crores only. The total expenditure on 2001-2002 incurred by all the states was Rs. 499.9 crores.

During the Tenth Five Year Plan (2002-2007), the initial total outlay was Rs. 1700 crores, with the centre-state sharing pattern in resources at 75:25. The expenditure during 2003-04 to 2006-07 as reported by the states was Rs. 36,367 crores. This may include advances by some of the implementing agencies.

During the Eleven Five Year Plan (2007-2009), the outlay was Rs. 71,000 crores. The centre-state sharing pattern was variable during the plan with 65:35 in the first phase (2007-09), 60:40 in 2009-10, 55:45 in 2010-11 and 50:50 in 2011-12. The North-Eastern States have a special dispensation that the centre-state ratio would be 90:10

The ongoing Twelve Five Year Plan (2012-17) allocates Rs 9569.52 crores as total outlay for elementary education which includes Rs. 7419.62 crores as State Matching Share for SSA.

The report also states that in terms of utilization of funds against the budgeted outlays (allocations), the maximum shares of funds were spent on 'Civil Works' and 'Repair and Maintenance'. The share of civil works and repair and maintenance in total expenditures in 2006-07 was 77 percent as compared to expenditures on Quality

intervention (6.21%) comprising teacher's grant, teacher's learning materials, teacher's training and teaching learning equipment.

**Financial Progress:** The Working Group Report on Elementary Education and Literacy- Twelve Five Year Plan 2012-17<sup>20</sup> has highlighted on the financial progress under Sarva Siksha Abhiyan programme. The approved outlay for SSA in the Eleven Plan was Rs. 71000 cores. In the first three years of the Eleven Plan Rs. 39,317 crores was provided, representing 55 percent of the overall outlay. With the RTE enactment in 2010-11, Government approved an outlay of Rs. 2.31 lakh crores for implementation of the combined RTE-SSA programme over a period of five years from 2010-11 to 2014-15.

Table-3.1: Cost towards Implementation of RTE-SSA from 2010-11 to 2014-15.

Sl. No.	Item	Last two years of XI Plan	First three years of XII Plan	Total
1	Child entitlement	28852	21535	37626
2	Teacher related costs	38307	82584	120889
3	Infrastructure	17544	23417	40959
4	School related costs	5351	5566	12918
5	Research evaluation and management	5540	9533	14973
6	Total	84408	146825	231233

Source: Working Group Report on Elementary Education and Literacy-Twelve Five Year Plan 2012-17

The 13<sup>th</sup> Finance Commission provided a grant of Rs. 24,068 crores for the period 2010-15, representing 15 percent of the estimated SSA expenditure of each state to cover the difference between the targeted state shares of 50 percent by the terminal year of the Eleven Plan under SSA and the state share of 35 percent in the year 2008-09. The amount provided under the 13<sup>th</sup> Finance Commission award was deducted from the overall approved outlay of Rs 2.31 lakh crores, and the balance Rs 2.07 lakh crores shared between the central and State Governments in the approved sharing pattern (65:35 of States/ UTs, 90:10 for NER States). Table-3.2 below indicates the year- wise outlays and expenditure in the Eleven Plan—

Table-3.2: Approved Outlays and Expenditure From 2007-08 to 2011-12.

Year	Outlay	Expenditure
2007-08	13171	11480.75
2008-09	13100	12642.75
2009-10	13100	12826.23
2010-11	19838.23	19636.53
2011-12	21000	14284 (till Aug. 2011)
Total	80209.23	70870.76 (till Aug. 2011)

Source: Working Group Report on Elementary Education and Literacy-Twelve Five Year Plan

2012-17

The Working Group Report also acknowledged that adequate resources were not provided for the elementary education sector in the first three years of the Eleven Plan. As against an expectation of 65%-75% of then approved outlay of Rs. 71,000 crores being made available in the first three years, only Rs.39371 crores, representing 55% was actually provided. Thus the total fund provided in the Eleven Plan amount to Rs.



78,000 crores, a figure that is not much higher than the original outlay of Rs.71000 crores and falls significantly short of the funds required for implementation of RTE-SSA programme.

### 3.7. Status of Education in India:

The present Union of India consists of 29 States and 7 Union Territories. The Indian State has made a constitutional commitment to provide free and compulsory education to the children up to the age of 14 by incorporating Article 45 in the Directive Principles of State Policy. As already mentioned, in 2002, the 86<sup>th</sup> Constitutional amendment made free and compulsory education a Fundamental Right for children between the age group of 6-14 years. India is a signatory of the Convention on the Rights of the Child (1989) and is making every possible effort to protect the educational rights of the child and thereby also trying to achieve the goal of UEE. The ongoing series of Five Year Plans for national development and National Policy on Education (NPE), 1986, 1992, with its Programme of Action, Sarva Siksha Abhiyan (SSA) as a flagship Programme for providing quality education, has been trying to make India one of the educationally developed countries in the world by focusing on the goal of UEE and achieving cent percent literacy in a successful manner.

### 3.7.1. Literacy scenario in India:

In the post independence period, there has been considerable expansion in educational facilities and as a result the number of literate person has been grown up with increasing the number of primary schools all over India.

Table-3.3: Literacy Rate in India.

Year	Total	Male	Female
1951	18.33	27.16	8.86
1961	28.31	40.40	15.34
1971	34.45	45.95	21.97
1981	43.56	56.37	29.75
1991	52.21	64.13	39.29
2001	65.38	75.85	54.16
2011	74.04	82.14	65.41

Source: various census reports.

Table-3.3. reveals the decadal rise in literacy rates in India. In 1951, the literacy rate of India was only 18.33 percent. Gradually it started to increase with the launching of different schemes in the field of primary education and it became 28.31%, 34.45%, 43.56%, 52.21%, 65.38% and 74.04 % in 1961, 1971, 1981, 1991, 2001 and 2011 respectively. However, Indian state is still far away from achieving 100% literacy to fulfil the goal of UEE.

Table-3.4: Total Number of Elementary Schools in India.

Year	Number of schools (In lakhs).
2000-01	845007
2001-02	883667
2002-03	897109
2004-05	1042251
2005-06	1061061
2006-07	1196663
2007-08	1250775
2008-09	1285576
2009-10	1303812
2010-11	1362324
2011-12	14,12178

Source: SES, MHRD, GOI, DISE 2011-12.

Accessibility of schooling facilities is no longer a major problem. Table-3.4 states the total number of elementary schools in India since 2000-01. In 2000-01 the number of elementary school was 845007. After the launching of SSA in India In 2001-02, the numbers of schools have significantly increased from 883667 to 1412178 in 2011-12.

According to DISE 2011-12 data, out of the total schools, about 85.99 percent schools are located in the rural areas. During this same period out of total elementary schools, the number of primary schools increased from 601866 to 842481. It clearly shows the impact of SSA under which a large number of schools have been opened in the recent past.

### 3.7.2 The Vision for Inclusive Education in India:

‘The education system of a country does not function in isolation from the society of which it is a part. Hierarchies of castes, economic status, gender relations and cultural diversities as well as uneven economic development also deeply influence issues relating to access and equity in education.’ (Status of Education in India, National Report, NUEPA).

Inclusive education refers to that system of education which is responsive to the diverse needs and circumstances of all learners disregarding the caste hierarchies, economic and gender inequalities and cultural diversities. It mainly focuses on learner’s abilities, skills and knowledge of the learners. The ultimate aim of the Constitution framers was to establish an equitable society within the framework of welfare state. The preamble of the Constitution assures justice, social, economic and political as well as equality of status and of opportunity with a view to promoting among all citizens fraternity, assuring the dignity of all individual and the unity and integrity of the nation. Article 14 of the Constitution of India guarantees equality before the law to all citizens. Article 15(1) prohibits discrimination against any citizen on grounds of religion, race, caste or sex. Article 16(1) guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. Despite having all these provisions in our country, the Indian society still bears the stigma of inequality, injustice and discrimination specifically in regards to the rights of disadvantaged people. The Constitution recognizes the Scheduled Castes (S.C.s), Scheduled Tribes (S.T.s) and Other Backward Classes (O.B.C.s), minorities and women as disadvantaged

groups. Indian State is trying to adopt different legal and policy framework in order to ensure justice and equity to these disadvantaged sections of society. Article 46 of the Constitution clearly states that the State shall promote with special care the educational and economic interests of the weaker sections of the people. In this context the 86<sup>th</sup> amendment of the Constitution making education a fundamental right is going to make positive impact on the education of S.C.s, S.T.s, O.B.C.s and women. Based on this constitutional commitment the policy makers are developing different programmes with a view to promote equitable education for these deprived groups.

The Eleven Five Year Plan adopted the term 'Inclusive Growth' as its focus and major reforms and innovations for promoting inclusive education across all levels of education are being started since 2003. These reforms are being made keeping in concern for the education of children and youth from disadvantaged groups of society. Thus the vision of Inclusive Education tries to ensure equality of educational opportunity to all people, specifically the poor, S.C.s, S.T.s, O.B.C.s minorities and women by improving their quality of life.

## References:

1. UNESCO. (2003-04) *Gender and Education for All: THE LEAP TO EQUALITY*. EFA Global Monitoring Report, 2003-4.
2. *Sarva Siksha Abhiyan: Framework for Implementation*, (draft, 1999), MHRD, GOI. [online] Available from: [http:// www.educationforall.in](http://www.educationforall.in).
3. UNESCO. (2009) *Overcoming Inequality: Why Governance Matters*. EFA Global Monitoring Report, 2009, P.24.
4. Shirname, S. (2007) *Education for All in India: Historical Development Specially in the Light of Gender Equality and Impact on the Present Day Situation*. Indic Society for Education and Development, Nashil, India, p.4.
5. Manav, A. (2009) *Right to free and Compulsory Education- An Insight*. Constitutional Law Articles. [Online] Available from: [www.educationworldonline.net](http://www.educationworldonline.net).
6. Aggarwal & Gupta. (2010) *Right to Education and Revitalizing Education*. First Edition, New Delhi, Sipra Publications, p.23.
7. Shirname, op.cit. p.4.
8. Ibid. Pp.11-16.
9. Aggarwal & Gupta, op.cit. p.23.
10. Ibid, p.23.
11. (---) (----) *The Situation of Elementary Education in India*. p.2.
12. Ibid, pp. 2-3.
13. AISA. (2009) *Right to Education Bill Passed by Lok Shabha Unanimously*, August 07, 2009. [Online] Available from: [www.constitutionalworldonline.net](http://www.constitutionalworldonline.net).
14. MHRD. (----) *Sarva Siksha Abhiyan: A Programme for Universal Elementary Education- Manual for Planning and Appraisal*. MHRD, New Delhi.
15. Aggarwal & Gupta, op.cit. pp. 14-15.
16. Ibid, p-15.
17. MHRD (GOI) *Sarva Siksha Abhiyan: Programme Work for Implementation*. New Delhi.

18. Ibid.
19. GOI. (2010) *Evaluation Report on Sarva Siksha Abhiyan*, Programme Evaluation Organization, Planning Commission. New Delhi-110001.
20. MHRD (GOI) *The Working Group Report on Elementary Education and Literacy- Twelve Five Year Plan 2012-17* [Online] Available from: <http://www.planningcommission.org>.