Chapter - IV

THE RIGHT TO EDUCATION IN UP: ORGANISATIONAL STRUCTURE OF PRIMARY EDUCATION AND LEGISLATIVE ENACTMENTS

Genesis of Uttar Pradesh

The State of Uttar Pradesh came into being in January 1950. It is a unique State of India with diversity in its physical features and also in respect of its social, commercial, cultural, religious and historical importance. Uttar Pradesh is truly the heartland of India, situated in Northern India and shares its border with Himachal, Punjab, Delhi, Madhya Pradesh, Bihar and International border with Nepal (Fig. 4.1).

It covers an area of 2.41 lakh Sq.km. (excluding Uttarakhand the newly created State) which is a nine per cent of the total area of the country. With a population of 166 million comprising 52.67 per cent males and 47.33 per cent females which is higher than the estimated population of Pakistan (157 million). According to the Census 2001, UP is the largest State in India both in terms of population and the number of school going children. If it were an independent country, it would be the fifth largest country in the world on account of its population and size and if Uttarakhand were also included in UP, it would have

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3 Uttarakhand was created in November 2000. However, the process is going further with recent demands for the further breakup of UP by the creation of Harit Pradesh, Doab Pradesh, Bundelkhand, Purvanchal and Awadh Pradesh. See Sudha Pai (ed.), *Political Process in Uttar Pradesh: Identity, Economic Reforms and Governance*, Dorling Kindersley India, Delhi, 2007, p. 26.
been the fifth largest country in the world. The population of UP would have been 174 million just ahead of Brazil which has a population of 170 million.\textsuperscript{7}

\section*{Figure 4.1}

The State of Uttar Pradesh can be divided into three distinct hypsographical regions:

- The Himalayan region in the North
- The Gangetic plain in the centre

\textsuperscript{7} Ibid.
The Vindya hills and plateau in the south (Fig. 4.2).

Figure 4. 2

Historical, Social, Economic and Cultural Indicators of Uttar Pradesh

The history of Uttar Pradesh is very ancient. It is recognised in the later Vedic Age as ‘Brahmarshi Desha’ or ‘Madhya Desha.’ Many Great sages of the

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Vedic time like Bharadwaja, Gautam, Yagyavalkya, Vasistha, Vishwamitra and Valmiki flourished in this State. In the medieval period Uttar Pradesh passed under Muslim rule and led the way to new synthesis of Hindu and Islamic culture.\(^9\) Uttar Pradesh preserved its Intellectual Excellency even under the British administration. The British combined Agra and Oudh into the one province and called it United Provinces of Agra and Oudh. The name was shortened to the United Province in 1935. In January 1950 the United Provinces was remained as Uttar Pradesh.\(^{10}\)

The State is also well known for its traditional fairs and cultural activities. It is interesting to observe that more than 2250 fairs are held annually on different occasions at different places in UP. The main crops of State are wheat, rice, sugarcane, pulse and potato etc. Thus agriculture plays a major role in the State’s economy.\(^{11}\) Distinguishing feature of Uttar Pradesh's economy is its regional imbalances in terms of economic indicators like agricultural productivity, infrastructural facilities and industrial growth. The Uttar Pradesh's economy can be categorised into four regions; Western, Eastern, Central and Ruhelkhand. The Western Uttar Pradesh is agriculturally prosperous. It is relatively industrialised and has seen greater degree of urbanisation. At the other end is Bundelkhand. Low agricultural growth, less number of industrial units, lesser gross value of industrial products marks this region as the least developed region in the State.\(^{12}\)

Almost all the socio-economic indicators show that the State stands on thirteenth or fourteenth position among the sixteen major States. Bihar and in some cases Orissa, are the only two States which lag behind UP in terms of socio-economic development. Indicators like medical facilities, teacher-pupil ratio in Primary Schools, birth, death, infant mortality, literacy rates, per capita income, electrification of villages, per capita power consumption etc marks the

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\(^{10}\) Ibid.
\(^{11}\) The Indian Child: A Profile, *op. cit.*, p. 4.
State socio-economically backward. Uttar Pradesh is often seen as a case study of development in a region of India that currently lag behind other parts of the country in terms of a number of important aspects of well being and social progress. These regions consist of Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh. There are important differences between these four States. But the causes of social backwardness in these four different States never the less, appear to have much in common. That is why the recent comparative researches are evidence to many similarities in the social, cultural and even political makeup of these States which have contributed to their backwardness.

As far as the poverty is concerned its estimation in India is based firstly on the concept of basic food which is the prescribed minimum calorie intake necessary for a normal human being to survive and secondly on size and distribution of population by expenditure obtained from the household consumption surveys conducted by National Sample Surveys (NSSs). Evidently, the incidences proved the existence of relative high rates of poverty in State based on both of the criterions. In 1983-84, 45.3 per cent of population in the State was below the poverty line as against a corresponding figure of 37.44 for the country as a whole. In the year 1999-2000 the percentage of the population below poverty line came down to 31.15 per cent comparing it to that of the all India average of 26.10 per cent.

As far as the educational status of the State is concerned the facts are again pathetic. The picture of female literacy in Uttar Pradesh is so dismal. Only one out of four in the seven plus age group was able to read and write in 1991. These figures go down to nineteen per cent for rural areas, eleven per cent for the scheduled castes, eight per cent for scheduled tribes in rural areas and eight per cent for the entire rural population in the most educationally backward

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14 Ibid.
17 Ibid.
districts. The 1981, Census figures suggested the crude female literacy rate among the scheduled castes in rural Uttar Pradesh. It was below eighteen per cent in eighteen out of Uttar Pradesh's fifty-six districts and below 2.5 per cent in the majority of districts.\textsuperscript{18} Though the Census 2001 shows a little improvement in the literacy rate of the State but situation is far from satisfactory as compared to other States of India. Table 4.1 presents some indicators of developments of education in UP and India which affirm that UP is an educationally backward State in terms of low literary rate and high level of gender disparities.

\textbf{Table 4.1 Literacy Rate by Gender, States and India, 2001}\textsuperscript{19}

<table>
<thead>
<tr>
<th>States / All India</th>
<th>Overall</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerala</td>
<td>90.92</td>
<td>94.20</td>
<td>87.86</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>77.27</td>
<td>86.27</td>
<td>67.51</td>
</tr>
<tr>
<td>Karnataka</td>
<td>67.04</td>
<td>76.29</td>
<td>57.45</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>64.11</td>
<td>76.80</td>
<td>50.28</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>57.36</td>
<td>70.23</td>
<td>42.98</td>
</tr>
<tr>
<td>Bihar</td>
<td>47.53</td>
<td>60.32</td>
<td>33.57</td>
</tr>
<tr>
<td>India</td>
<td>65.38</td>
<td>70.85</td>
<td>54.16</td>
</tr>
</tbody>
</table>

The overall picture indicates that the total literacy in UP to be 57.36 per cent, which is low as compared to 65.38 per cent for India. Similarly the male literary rate was 70.23 per cent as compared to female literacy of 42.98 per cent both belong low vis-à-vis that of national average.

Looking at the educational profile of the population in the State as revealed by the National Sample Survey (NSS) round, we find that about two fifth of the urban females were illiterate in 2004-05 as compared to one fifth of the urban

\textsuperscript{18} Human Development of Uttar Pradesh, 2003, \textit{op. cit.}, p. 21.
males. The situation was even not much improved in 2006 as about thirty-six per cent of rural males and seventy per cent of rural females were still illiterate.\textsuperscript{20} Only fifteen per cent of rural persons and thirty-seven per cent of urban persons had received education up to secondary level or above. About fourteen per cent of the urban people and only 2.8 per cent of the rural people had received education up to graduate level or above. These are the indicative of the poor level of educational development in the State and the challenges that lie ahead in this direction.\textsuperscript{21}

In terms of more demanding criteria of educational attainment on the completion of Primary or Secondary Education in Uttar Pradesh, in 1992-93 only fifty per cent of literate males and forty per cent of literate females could complete the cycle of eighth years of schooling involved in the primary and middle stages. One other distinguishing feature of the Uttar Pradesh’s education system is the persistence of high level of illiteracy among the younger age group. Within the younger age group, the illiteracy was endemic in rural areas. In the late 1980s, the incidence of illiteracy in the ten to fourteen age groups was as high as thirty-two per cent for rural males and sixty-one per cent for rural females, and more than two-thirds of all rural girls in the twelve to fourteen age groups never went to school.\textsuperscript{22} Table 4.2 also presents some indicators of school going children which show the State's educational backwardness in terms of low school participation and high levels of gender disparities.

\textsuperscript{20} Human Development of Uttar Pradesh, 2006, \textit{op. cit.}, p. 31.
\textsuperscript{21} National University of Educational Planning and Administration, \textit{State Report Card, 2006-07: Elementary Education in India where do we stand? An Analytical Report}, NUEPA, New Delhi, 2008, p. xii.
Table 4.2 Participation in School of 6-14 year old, India and the State

<table>
<thead>
<tr>
<th>Age in years</th>
<th>India</th>
<th></th>
<th>UP</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Literary Rate (%) age 6+</td>
<td>54</td>
<td>76</td>
<td>44</td>
<td>67</td>
</tr>
<tr>
<td>Currently Attending Schools</td>
<td>78</td>
<td>85</td>
<td>74</td>
<td>84</td>
</tr>
<tr>
<td>Age 6 – 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age 11 – 14</td>
<td>67</td>
<td>80</td>
<td>62</td>
<td>80</td>
</tr>
<tr>
<td>Median Years of Schooling Age 11-14</td>
<td>4.6</td>
<td>5.0</td>
<td>3.3</td>
<td>4.3</td>
</tr>
</tbody>
</table>

The Table 4.2 reaffirms the educational backwardness of the State in terms of school going children in general and in terms of gender in particular. The situation is more severe in regard to school going children of eleven to fourteen years. As against the national scenario only i.e. 3.3 females and 4.3 males go to the school. While it is very true that like the other States of India, UP have also made a great deal of progress in its educational outcome indicators, the problem of disparity, teacher absenteeism and gross under resourcing are still prevailing much in rural UP as stated by Draze and Gazolan and the Public Report on Basic Education (PROBE team, 1999). The problems of education system are exacting. Due to public apathy the schools are disarray, privately run schools are functional but beyond the reach of ordinary people. However, the State Government has taken programmes to make the population totally literate. There are a number of special programmes like the Serva Shiksha

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Abhiyan (SSA), are being run by the State with the help of Non Governmental Organisations (NGOs), community participation and other voluntary organisations to raise the people participation in the educational system. A detail of all these programmes are being given in the next chapter of this thesis.

**Organisational Structure of Existing Education System in the State of UP**

Since India is a Federal Republic its units (the State) follow their own educational structure. After independence during 1949-50, an educational structure of five years of Lower Primary, three years of Upper Primary Education, two years of High School and two years of Intermediate Education (5+3+2+2) was adopted in the State\(^{26}\) as (Fig. 4.3 ) follows:

**Present Educational Structure in UP**

![Diagram of Educational Structure in UP](image)

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The educational system in the State of Uttar Pradesh as it obtains today has passed through chequered history of about 150 years or so on. Starting as a completely centralised system, it has tended to become a highly decentralised one now.\(^{27}\) A small structure of the education department was established in 1850 for the first time in UP.\(^{28}\) This was under the tutelage of a Visitor General of the Province who had the jurisdiction over the Vernacular Schools.\(^{29}\) Consequent upon the Wood's Report in States, the part of Visitor General was replaced by the Director and General of Public Instruction. Subsequently, under the Local Self Government Act of 1926 (1883 Act was replaced) the responsibility of Primary Education was transferred to the District Board. In urban areas the responsibility was entrusted to the Municipalities vested in the department of education. At the Secretariat level, the department of education was looked after by the Chief Secretary to the Government of UP initially and thereafter by the Judicial Secretary, UP.\(^{30}\)

Another important development in the education department took place when the UP Intermediate Education Act, 1921, came into force. It envisaged the establishment of the Board of High School and Intermediate Education for conducting matriculation and intermediate examination, which were previously conducted by the Allahabad University. The Board was entrusted with the work of regulating and supervising intermediate education in Uttar Pradesh and to prescribe courses thereof. At the Secretariat level the charge of education was given to a full time Secretary.\(^{31}\)

At the field level, a Divisional Inspector of Schools in each revenue division was appointed with an Assistant Inspector of Mohammedan Schools (except for Kumayun Division). At the District level, Deputy Inspector of

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Schools was appointed. For overseeing the management of girl’s education, the State was divided into ten circles each under the control of an instructress of girl’s schools. The post of Director of Public Instruction was re-established as the Director of Education. After the attainment of independence each district was provided with a District Inspector of Schools and the State was divided into five regions each under a supervising control of Regional Deputy Director for boys and girls separately.

The Present Set Up

At present the State is divided into seventeen regions with a Joint Director Education and a Deputy Director and an Assistant Director for Secondary and Basic Education respectively to accelerate the expansion and to ensure the improvement of Secondary and Elementary Education in the State. The present organisational structure of the education department in the State may be depicted under two heads as shown in organograms (Fig. 4.4, Fig. 4.5). The first is the Secretariat level and the second is at Directorate level.

At the Secretariat level the structure which may be seen for (Fig. 4.4) is headed by the Minister of Secondary Education with a Minister of State for Secondary Education and a Minister of State (Independent In-charge) for Basic Education are the overall in-charge of the respective sectors of schools education in the State. In addition to it there are two Officers on Special Duty (OSDs), one of them takes care of Basic Shiksha Parishad (Basic Education Board), Schools and centrally sponsored schemes while the other is an Officer In-charge, library. In addition there are nine senior researches Officer In-charges for budget and its monitoring.

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34 Ibid., p. 15.
35 http://www.education.nic.in/cd50years/g/8V/8VFB0501.htm, Accessed on 2/2/2011
Uttar Pradesh Educational Administrative Setup at the Secretariat Level

Figure 4.4
Higher Education Minister takes care of the University and Degree Colleges. There is also a State Standing Committee on Education for advising the Ministers of Education from time to time on educational matters. There is also a Principal Secretary for Higher Education. Under this organisational structure Principal Secretary (Education) is the Chief Executive Officer of the department who oversees the work of both the Secretaries i.e. Secretary (Basic Education) and Secretary (Secondary Education). There are five Special Secretaries assisted by three Joint Secretaries: two Deputy Secretaries and one Under Secretary.\(^{36}\)

The five separate Directors functioning under the School Education departments below the Secretariat level are as follows:

1. The Directorate of Education (Basic)
2. The Directorate of Education (Secondary)
3. The Directorate of State Council of Educational Research and Training (SCERT)
4. The Directorate of Adult and Non formal Education, renamed as Directorate of Literacy and Alternated Education; and
5. The Directorate of Urdu and Oriental Languages.\(^{37}\)

**The Directorate of Basic Education**

The Directorate of Basic Education is headed by a Director who also acts as an *ex-officio* Chairman of the Board of Basic Education. He is assisted by four additional directors one each for:

i) Women's education

ii) Basic education

iii) Education for the hills at Lucknow Office, and

iv) Non formal Education (NFE)

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Structure of Directorate of Basic Education

There are six Deputy Directors, four Assistant Directors and four Assistant Deputy Directors holding various responsibilities at different levels. As far as matters related to Board are concerned, the Director is assisted by a full time Secretary of the Board of Basic education of the rank of a Deputy Director.  

At the District level, the District Education Advisory Committee (DEAC) has been set up. Every DEAC consists of all elected members of the Houses of Parliament, Members of Legislative Council (MLCs) and Members of Legislative Assemblies (MLAs) of the district and seven other non official members. The District Inspector of Schools (DIOS), serves as a convener. The

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other official members of the Committee are District Basic Education Officer and Additional District Magistrate (Project). Meetings of the DEAC are presided over by one of the MPs/MLAs present in the meeting.\textsuperscript{39} The main function of the DEAC is to advise the district administration on issues such as:

i) Selection of sites for opening of new Primary and Upper Primary Schools.

ii) Maintenance and keep up for Primary and Upper Primary Schools.

iii) Construction work of Primary and Upper Primary School buildings.

iv) Proper management and promotion of teaching – learning in Primary and Upper Primary Schools.

v) Implementation of adult education and non-formal education programme.


vii) Vocationalisation of Secondary Education.

viii) Development of Higher Education institutions in the districts.\textsuperscript{40}

**The State Council of Educational Research and Training (SCERT)**

The SCERT was established in 1981, as a replica of National Council of Educational Research and Training (NCERT), in the form of a nodal organisation of State level education system with the view to conduct training and research in respect of School Education with special reference to Elementary Education and also to function as an apex academic body of the State for providing academic support pertaining to all stages of School Education within the State.\textsuperscript{41} It is being looked by a Director, a full time Joint Director (Training) assisted by an Assistant Deputy Director at it’s headquarter. With the setting up of the SCERT keeping in view the needs of the State and the functions


\textsuperscript{40} http://www.education.nic.in/cd50years/g/8V/8VFB0501.htm, Accessed on 18/5/2011

associated with it. All special institutes functioning in the State were put directly under the academic and administrative control of the SCERT. In addition to this all the District Institutes of Educational Training (DIETs), proposed Career and Technical Education (CTE) and one Institution of Advance Study in Education (IASE) under the academic control of the SCERT. The other two IASEs are functioning under the administrative control of the respective Universities.\(^{42}\)

**Structure of State Council of Educational Research and Training (SCERT)**

![Diagram of SCERT structure]

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The Directorate of Literacy and Alternative Education

This Directorate has been entrusted with the responsibility of providing an effective coordination to the various programmes and activities for the spread of literacy and continuing education in respect of adults. The Directorate is also responsible for the implementation of programmes in respect of out of school children and various other focused groups of the society in the State. The Directorate is being managed by a Director who is assisted by an Additional Director, and many Deputy Directors.  

**Structure of Directorate of Literacy and Alternative Education**

![Diagram of Directorate Structure]

**Figure 4.7**

The Directorate (Urdu and Oriental Languages)

This Directorate is functioning in the State to supervise and monitor the instructions of these languages and to ensure a desired level of standard and quality in this sector.

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44 Ibid.
Thus after discussing the organisational structure of Basic Education in UP one may find that the State is having a well established as well as a properly organised educational system within. It starts from Basic and goes to University Education. As far as the Basic Education is concerned it covers all the directorates. By including the Directorate of Urdu and Arabic Languages the State also owes the responsibility for the school age going children, those who are being enrolled in ‘Madrasas’. That is the prime reason that the State of UP has started the Scheme like ‘Madrasa Modernisation’ for the Muslim minority.

**Legislative Enactments on Primary and Elementary Education in UP**

The nature and content of various Legislative Acts on School Education (Primary and Elementary) is being discussed here in historical retrospect, starting from pre independence to post independence periods.

**The United Provinces Primary Education Act (1919)**

The Provincial Government in 1919 promulgated a law known as the Municipal Boards Compulsory Education Act, 1919 which introduced the provision of compulsion of attendance up to class fifth in the age groups six to
eleven years in the Municipalities notified for the purposes.\textsuperscript{45} The Act described Primary Education as at least the understanding of reading, writing and arithmetic (three Rs\textsuperscript{46}), "As may be prescribed for the time being of Primary Schools by the State Government and such instruction in other subjects, if any, as may be determined by the board with the approval of the prescribed authority."\textsuperscript{47}

The Primary Education Act 1919 made the Primary Education (six to eleven years) compulsory by enabling the State Government (on the application of the Board), to declare by notification that the Primary Education of male/female children shall be compulsory in the whole or any part of the municipality.\textsuperscript{48} The Act further said, “A notification issued under this section shall specify the date from which, and the area or areas in which Primary Education shall be compulsory and public notice shall be given of the notification in the manner prescribed by Section 304 of the Principal Act.”\textsuperscript{49} By imposing a duty to the parents it further mentioned, “The parent of every child to whom the notification applies shall, if such child ordinarily resides in such municipality or area, in the absence of a reasonable excuse cause such child to attend a recognised Primary School”.\textsuperscript{50}

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\textsuperscript{46} Three Rs stand for Reading, Writing and Arithmetic, universally considered as the fundamentals of Elementary Education.

\textsuperscript{47} The \textit{United Provinces Primary Education Act, 1919}, UP Act No. VII, 1919, Section 2, para 4.

\textsuperscript{48} \textit{Ibid.}, Section 3, paras 1-3.

\textsuperscript{49} Principle Act means United Provinces Municipalities Act 1916.

\textsuperscript{50} Section 8 of the Act, 6 reasons under reasonable excuse, these are:

- There is no recognised Primary School within the distance of one mile by the nearest route from the residence of the child;
- The child has been exempted by the School Committee on religious grounds;
- That the child is receiving otherwise than in a recognised Primary School, Primary Education in a satisfactory manner;
- That the child is certified by the such authority as may be appointed in this behalf on the Board to have completed the primary course;
- That the child has been granted temporary leave of absence from school, in accordance with regulations made under this act by the Board;
- That the child is certified by a medical officer approved for this purpose by the Board to be unfit to attend school by reason of some bodily defect or infirmity.
Act again said that, “A parent, who is bound under the provisions of Section-7 to cause a child to attend a recognised Primary School, has failed to do so, the School Committee, often giving the parent an opportunity of being ahead may pass order directing the parent to cause such a child to attend a recognised Primary School from a date which shall be specified in order. If the parent has again failed to obey such an order shall on conviction before a Magistrate, be liable to a fine not exceeding five rupees. If the parent continues to disobey the order he or she shall liable to a further fine not exceeding one rupee for everyday after the date of first conviction”.

The Act also imposed penalty for employing child liable to attend Primary School as follows:

“Any person who shall during the prescribed hours of attendance at school, utilise on his own behalf or on behalf of any other person, in connection with any employment, whether for remuneration or not, the services of any child whose parent is retained under this Act to cause him to attend a recognised Primary School, shall on conviction before a Magistrate, be liable to a fine not exceeding twenty five rupees and declared the offences under section 10 or section 11 as non cognizable”.

**The United Province District Boards Primary Education Act (1926)**

The Act was promulgated to provide for the extension of Primary Education in rural areas under districts in the United Provinces. It says: "It is the declared policy of the Government of the United Provinces that universal, free and compulsory Primary Education for boys and girls should be reached by a definite programme of progressive development and expansion of Primary Education.”

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51 Section 7 of the act imposes duty on parent to send their children to school.
52 Ibid., Section 9, para 1.
53 Ibid., Section 19, para 1.
54 Ibid., para, 2.
55 Ibid., Section 11.
56 The United Province District Boards Primary Education Act 1926, UP Act No. 1, 1926, Preamble.
Thus the Act was enacted and extended to all the area under the jurisdiction of the District Board in Uttar Pradesh.\textsuperscript{57} Initially the Act was enforced in all the Municipalities and some rural areas in the State. But with the advent of the concept of Universalisation of Education, the Government of Uttar Pradesh, like many other States in the country, continued to adopt persuasive methods for bringing more and more boys and girls of schools going age to Primary Schools.\textsuperscript{58} The Act was a further illustration and reaffirmation of the Basic Education Act of 1919 by enacting the same provisions relating to concept of Primary Education, recognised Primary School, parental duty, school attendance, reasonable excuses and fine and functioning of School Committee etc.

**The Uttar Pradesh Basic Education Act, 1972**

Prior to 1972, the Primary and Upper Primary Schools in Uttar Pradesh were run, maintained and controlled by the District Boards and Municipalities including Municipal Corporations etc. The schools were constituted under various Acts related to management of Local Bodies i.e.

- UP Kshetra Samiti and Zila Parishad Adhiniyam, 1961
- UP Municipalities Act, 1916
- UP Nagar Mahapalika Adhiniyam, 1959

Considering urgent need to improve literacy in the State, it was felt that in the area of education, planned interventions were imperative from the State Government as mentioned in the ‘Statement of objects and reasons’ of the Act:

i) “The responsibility for Primary Education has so far rested with the Zila Parishads in rural areas and with Municipal Boards and Mahapalika in Urban areas. The administration of education at this level by the Local Bodies was not satisfactory, and it was deteriorating day by day. There

\textsuperscript{57} Ibid., Section 1, para 2.
was public demand for the Government to take immediate steps for improving the education at this level. Hence for recognising, reforming and expanding Elementary Education it became necessary for the State Government to take over its control into its own hands;

ii) Repeated demands have been made by all sections of the legislature also for the take-over of the control of Elementary Education by the State from Local Bodies. Echoing this public demand, the Governor had also in his address to both the Houses of the Legislature on March 20, 1972 said, ‘that in order to strengthen the Primary and Junior High School and to increase their usefulness Government were going to assume full responsibility for its control and management’;

iii) With a view to taking effective steps for securing the object of Article 45, of the Constitution and fulfilling the assurance given in the Governor’s address and respecting the popular demand it was necessary to entrust the conduct and control of Elementary Education to a virile institution which may be expected to inject new life into it and to make it progressive. It was therefore, decided by the Government to transfer the control of Primary Education from the Local Bodies to the Uttar Pradesh Board of Basic Education with effect from the Educational Session 1972-73.

iv) The educational session had commenced and the Legislative Council was not in session and if immediate action had not been taken, the matter, would have had to be postponed till the educational session 1973-74, with the result the desirable object would not have been achieved. Therefore, in order to implement the said decision immediately, the Uttar Pradesh Basic Education Ordinance, 1972, was promulgated…”

With this background, the Government of Uttar Pradesh passed the Uttar Pradesh Basic Education Act, 1972 (UP Act No.34 of 1972). The main objective of this Act is to ‘organise, co-ordinate and control’ initiating of basic education

59 The Uttar Pradesh Basic Education Act, 1972, UP Act No. 34,1972, Statement of Objects and Reasons.
in Schools other than High Schools or Intermediate Colleges.\textsuperscript{60} By this Act an autonomous body named ‘Uttar Pradesh Board of Basic Education’ was constituted\textsuperscript{61} under the Chairmanship of the Director, Basic Education.\textsuperscript{62} All schools which were managed and controlled by Local Bodies have since then been transferred to the Board. The Board of Education, controls appointments, transfers and posting of basic school teachers, determine school timings and gives recognition to private schools imparting basic education in the State and for other matters connected therewith.\textsuperscript{63}

The Uttar Pradesh Board of Basic Education Act, 1972 has been amended in the year 2000 for incorporating principle of devolution of powers to the village community and management of education has been decentralised for empowering grassroots participating agencies. Other acts relating to basic education were also amended.\textsuperscript{64} The Act enables Zila Panchayats and Municipalities (under the supervision of Board), to prepare schemes for the development, extension and improvement of Basic Schools in the rural areas of the districts\textsuperscript{65} and to establish administrative control and manage Basic Schools in the Municipal areas respectively.\textsuperscript{66} The Act also establishes a Committee for each village or group of villages called ‘Gram Shiksha Samiti’ which shall consist of following members, namely:

- Gram Pradhan – Chairman

- Three Guardians (one woman) of students of Basic Schools – Members.

- Headmaster of Basic School or senior most Headmaster – Member

  Secretary (if there are more than one schools in Gram Sabha).\textsuperscript{67}

\textsuperscript{60} Ibid., Section 4, para 1.
\textsuperscript{61} Ibid., Section 3.
\textsuperscript{62} Ibid., para 3 (a)
\textsuperscript{63} Ibid., Section 4.
\textsuperscript{64} The Uttar Pradesh Basic Education Act, 1972, \textit{op. cit.}, Amended by UP Act No. 18, 2000 (w.e.f.1999).
\textsuperscript{65} Ibid., Section 10(a).
\textsuperscript{66} Ibid., Section 10-A(a).
\textsuperscript{67} Ibid., Section 11, para 1.
The Gram Shiksha Samiti would establish, control and plan Basic Schools in its Panchayat area. It would prepare plans for development and improvement of the schools. Major functions also include giving advice regarding building and other important plans to the Zila Panchayat.68

The State Level Commissions and Committees

In the post-independence era, especially since 1951, a number of commissions and committees have been appointed at the national and the State levels to deliberate on various aspects of education with a view to explore the speedy and expeditious reforms and solutions. In the State of UP, several such committees have contributed immensely to the stock of ideas in this regard.69 But before the attainment of independence in 1938, a Committee was set up under the Chairmanship of Acharya Narendra Dev, to look into the Primary and Secondary Education and particularly the vocational education in Uttar Pradesh.70 This Committee had put forward a comprehensive blue print. Soon after, however, the Congress Government tendered their registration, and hence, the recommendations could not be implemented.71

The immediate concern of the Government of India, after the independence, with regard to Elementary Education was the issue of financing. The Government of India appointed a Committee on the ‘Ways and Means of Financing Elementary Education, under the Chairmanship of B.G. Kher in 1948.72 The Committee recommended that the State must undertake the responsibility of providing at least junior basic education for everybody without detriment to existing facilities for Secondary and Higher Education.73 It suggested that the provinces should aim at introducing universal compulsory education for the children of six to eleven years age group within a period of ten

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68 Ibid., para, 2.
69 School Education in Uttar Pradesh: Status, Issues and Future Perspectives, op. cit., p. 42.
71 Ibid.
years but if financial condition compelled the programme might be extended over a larger period but should never be given up. The Committee desired that a fixed percentage of the Central and the Provincial revenues (ten and twenty per cent respectively) should be fixed for education. Of the total expenditure on education, seventy per cent should be borne by the Local Bodies and Provinces and remaining thirty per cent by the Centre. But unfortunately many of the recommendations of the Committee could not be implemented.

After the adoption of the Constitution, many issues of Elementary Education were still confronted by the State and the Centre on administrative and financial capabilities. The Government of India appointed a Committee to report the relationship between the State Government and the Local Bodies in the administration of Primary Education under the Chairmanship, again, of B.G. Kher in 1951. The Committee submitted its Report in 1954 and made wide-ranging recommendations on the role of the Local Bodies and their association with the State in regard to development of Elementary Education. The Committee recommended that the Central Government should assign a specific grant for universal and compulsory education in the State. It desired that the sum of not less than sixty per cent of the total expenditure on education of the State should be spent on Primary Education and a specific provision should be made annually for the encouragement of research and experiment in Primary and Rural education. The Committee further recommended that in Village Panchayats, a portion of the total revenue should be earmarked for Primary Education and the system of school chest should be universally adopted with such changes as might be necessary to make it suitable for local conditions. It is noteworthy that none of these recommendations were implemented by the Centre and the Government of UP. After getting independence another Committee was appointed under the Chairmanship of Acharya Narendra Dev, the then Vice-Chancellor of Banaras Hindu University in 1952. While, the Committee was appointed to examine the

74 Ibid.
75 Digumarti Bhaskara Rao, Sheik Abdul Khadar, op. cit., p. 37.
76 Ibid., p. 64.
progress of Secondary Education it also made recommendation for bringing out qualitative changes in respect of curriculum, textbook, vocational education, examinations, training of teachers etc. at elementary stages of schooling. But the Committee’s recommendations were only related to secondary education though it was an effort to draw the attention of State Government towards the School Education.\textsuperscript{77}

In the mean time, the Kothari Commission (1964-66) was appointed and also took note of the problems of Elementary Education in the State and suggested measures to achieve the target of Universalisation of Elementary Education (UEE). In the following decades soon after the Kothari Commission’s Report, the State Government appointed the core groups of the educationists, the educational experts and the educational administrators to examine the possibility of adopting these recommendations. Their recommendations were given due importance by highlighting the needs for value education, national integration and vocationalisation of School Education. Subsequently under the Chairmanship of Dr. J.D. Shukla, ICS (retired) a Moral Education Committee was constituted by vide notification.\textsuperscript{78} The Committee considered the problems connected to moral education in the schools of UP and recommended moral education should be the part of the whole schooling including Primary and Elementary.\textsuperscript{79}

With the advent of National Policy on Education (NPE), 1986 and the Programme of Action (POA), 1992, the Government of UP (GOUP), proceeded towards speedy and meaningful implementations and follow up of the spectrum of reforms relating to educational structure, the content and the process and the management of education. In making the system works various practical issues were examined by the district and block level core groups, constituted for the purpose. A State level Committee for School Education was formally set up under the Chairmanship of the then Vice Chancellor of Lucknow University and

\textsuperscript{77} V.V. Rao, V. Vijya Laxmi, V. Vamsi Krishna, D. Bhaskara Rao, \textit{op. cit.}, p. 177.
\textsuperscript{78} Government of Uttar Pradesh, Notification 2884XV-14-30(7)80, GOUP, May 26, 1980.
\textsuperscript{79} School Education in Uttar Pradesh: Status Issues and Future Perspectives, \textit{op. cit.}, p. 42.
the MLC, Dr. Hare Krishna Awasthi during the year 1992. The Committee made many suggestions relating to the curricula, conduct of examinations, textbooks, administrative and organisational reforms etc. After the NPE, 1986, the State Government further accelerated the pace of development leading to high expansion and coverage, increased access and retention and decreased rate of drop outs at particular level.

This Chapter consolidates, the dynamics of legislative enactments in the growth of the Right to Education in UP. Beginning with the feudal system of education, accelerating the process of making of the required Acts was put in fast-track, partly during the British rule and partly in the independent India. Infact, the system regarding the Right to Education and its implementation is in the process of being evolved and along with legislative provisions several social, political and economic factors have impinched on, finally shaping and fashioning the framework of the Right to Education in both India and UP.

80 Ibid., p.43.