ABSTRACT

Education is the most important and powerful instrument to shape and mould the individual and society in a desirable manner. Any modification brought about in the behaviour of an individual as a result of his interaction with the inner self and outer world constitutes learning. The history of the world proves that education has been at the base for any change encompassing the social, cultural, spiritual, political and economic aspects of human life. It is education, which not only transforms the ordinary human being into a rational human personality but also prepares and develops him to grow and adjust with the surroundings, lead his personal as well social life successfully. In fact, education has become one of the basic necessities of human life like food, clothing and shelter. Today, life is education and education is life. Hence, no differentiation can be made between life and education and the Right to Education, therefore, is looked upon as Right to Life.

Thus the Right to Education which is characterised as a Fundamental Right can also be considered as the ‘Right of Higher Order’ that it determines whether other rights can actually be exercised or not. None of our civil, political, economic and social rights can be exercised unless they receive a certain minimum education, without which their access to such right will remain illusory and theoretical. No one will deny that education is the basis for development and an important instrument to combat all forms of discrimination with regard to women, minorities, other deprived sections and children. It provides valuable developmental opportunities to children. That is why the Right to Education is high on the agenda of the international community. It is also affirmed in numerous human rights treatise, recognised by Governments as a pivotal instrument in the pursuit of development and social transformation. This recognition is exemplified in the international goals, strategies and targets that have been set during the past twenty years. Every generation looks upon the next generation with the hope that they shall build up a nation better than the present. Thus the education which is very important for the future generation should
always be the major concern for any nation. It is now an undisputed fact that the Right to Education can be realised on a national level only through compulsory education or better say through free and compulsory education. That is why high priority has been given to the programme of Universalisation of Primary and Elementary Education. As a result of which every boy and girl is entitled to receive a minimum standard of education all over the world.

After the achievement of independence the free and compulsory Elementary Education was given prime importance by the framers of the Constitution of India. The Constitution is committed to Right to the Education for all children of India by providing place to Universalisation of Elementary Education (UEE) in it. UEE in India means making education available to all the children in the age group for six to fourteen or in the classes from first to eighth. Thus the responsibility for providing Elementary Education lies on the Central Government, the State Governments, the Local Bodies, Voluntary Organisations and Parents as well. In India almost all the three organs of Government – legislature, executive and judiciary have played a significant role in improving the educational status of children. They have adopted a proactive policy for the achievement of the target of Fundamental Right to Education. Many plausible and impressive provisions are available as safeguards in the Constitution of India, in the judgments of the Supreme Court and in the recently enacted Right to Education Act of 2009.

India has a very large and well developed education system but still faces lots of hurdles to ensure Universal Elementary Education. The dropout rate of the children hailing from poor and deprived sections is alarmingly high in the country. Many villages do not even have a Primary School. If a village has a school, there are no proper classrooms, if there is a classroom, there is no blackboard and if there is a backboard, there is no teacher. Despite the continued efforts made at national and state level the universalisation of free and compulsory education has not so far been achieved in full.
The present thesis has two main objectives. First, to give a thorough presentation of evolutionary and developmental process of the Right to Education for children in international and national settings. In achieving this objective the ambit of the study has been delimited to explore the status of Fundamental Right to Education for children at Primary and Upper Primary levels which is free and compulsory all over the world. Second, to identify the educational constraints in the Primary Education in one of the States of India namely, Uttar Pradesh by examining the programmes implementation, consequential moves towards expansion and the situation of access and coverage at various points. To obtain the aforesaid objectives the entire work has been divided into six chapters. The aim is to examine and analyse the educational status of children between the age group of six to fourteen or for the classes of I – VIII in India as well as in the State of UP and the initiatives taken by the Government of India and the Government of UP in this regard. Besides, an analysis has been made as to why the National and State Governments have failed in achieving their objectives of ensuring school education to every child in a time bound manner. The thesis tries to explore the reasons behind the problems of drop-out, non-enrolment, low level of achievement and the disparities based on region, gender, religion, caste and other grounds at school level.

Chapter- I Introduces a conceptual framework for the Right to Education of a child that embodies three intellectual and independent aspects from the perspective of children's right. The Right to Education, the Rights within Education and Rights through Education. The Right to Education has to do with the twin pivotal questions how far and in what quality education is made possible for children. Rights within Education refer to the question regarding the context in which education is transmitted and how the children's rights become effective with the educational process. The Rights through Education refer to the matter as to how education enables children to exercise their rights and to act as competent citizens. It contends that a true realisation of the Right to Education cannot be exercised until and unless all three are addressed which can also be
defined as the right to access to education, the right to quality education and the right to respect within the learning environment. Thus the concept of children’s Right to Education includes four dimensions: availability, accessibility, acceptability and adaptability of education which have to be kept under consideration at the time of making of legislative enactments for the implementation of Right to Education by International, National, States, Local and Voluntary Agencies. The Chapter further discusses the State obligations as well as the role of teachers, community, civil sector and parents in creating supportive environment for learning. It also explores the responsibilities of these actors and the ways through which they can contribute to the realisation of the Right to Education. Besides dealing with the conceptual framework of education, the Chapter also comprehensively explores the impact of various international and national influences and instruments as determining factors. This includes the relevant international documents manifesting the Right to Education which made it clear that the Right to Education is high on the agenda of the International Community, as affirmed in numerous human rights treaties.

The Right to Education is enshrined in the Universal Declaration of Human Rights (UDHR, 1948), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), the Convention against Discrimination in Education (1962) and more recent, The Convention on the Rights of the Child (CRC, 1989). In addition that Chapter presents UNESCO’s and ILO’s believes that the education is an essential human right and achieving this for all children is one of the biggest moral challenges of our time. The Right to Education is an integral part of the UNESCO’s Constitutional Mandate which expressed the belief of its founders in full and equal opportunities for education for all to advance the ideas of quality of educational opportunity. During the World Education Forum held in Dakar, Senegal in 2000, the Right to Education was strongly reaffirmed through the Education for All (EFA) goals including expanding early childhood education, Universal Primary Education and increasing educational condition. The target devoted to Primary Education seeks
to ensure that by 2015 all children, particularly the girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory Primary Education of good quality. The same spirit was again reaffirmed in form of the Millennium Development Goals in 2000. However, in spite of all the commitments made by Governments in Dakar and although many countries are signatories to international instruments for providing education for all, millions of children still remain deprived of educational opportunities especially free and compulsory quality based education.

Chapter-II provides a historical retrospect of the Right to Education in India from ancient to post independence era. This Chapter highlights the changing conditions and evolutionary process of the concept of the Right to Education. Education was regarded as the most important tool for self-realisation in ancient India. Under the Aryan civilisation the education of both the boys and the girls began with the ‘Upnayana Ceremony’ at the age of eight. The period of study usually lasted till sixteen. The Primary Education was open to both boys and girls of the entire community. Later on this education was confined to the Brahmins and only extended to boys of Kshatriya and Vaishya families. However, it was banned for the Sudras and women. Then the Muslim came in India and they established their own system of education which was religious in nature and its primary object was to propagate Islam and spread the light of learning among the faithfulls. A ‘Bismillah Ceremony’ of medieval time which was similar to the ‘Upnayan’ of the Hindus, was performed at an appropriate time, fixed in consultation with astrologers. A wealthy child might receive elementary lessons in education, from a tutor or ‘ataliq’ at his parental house. These tutors were paid handsomely by their parents. Otherwise, education was free and open to all without discrimination. In the nineteenth century, the East India Company and later the British Crown introduced a new state system of education in British India. The development of the system of education during the British period was determined by the needs of the colonial powers, as a result
of which a number of Commissions, Policies, Bills and Acts were formulated and enacted to address the need of Elementary Education. In this series the Charter Act of 1813; Macaulay’s Minute, 1835; Charles Wood’s Despatch, 1854; Hunter Commission, 1882; Gokhle’s Bill, 1912; Hartog Committee, 1929; Wardha Scheme of Education, 1932 and the report of Sargent Commission on post-war Education Development in India were landmarks in the history of Indian education. The Sargent Commission dealt at the length with various aspects of both Primary and Higher Education, examination reforms, teachers training, health education, recreational and social activities at all stages.

Chapter-III deals with the constitutional, legislative and judicial measures adopted by the Government of India for addressing the Right to Education in post-independent period. The Chapter also discusses the report of Education Commission of 1964-1966 and some of the important provisions of National Policy on Education (NPE), 1968 and also of 1986 which attached education to national development and laid emphasis on Universalisation of Elementary Education (UEE). The NPE, 1986 established the five parameters for UEE: universal access, universal enrolment, universal retention, universal achievement and universal equality. These five parameters are being continuously served as a base for programmes and policies to achieve the goal of UEE by the Government of India such as District Primary Education Programme, Mid-Day Meal Scheme, Operation Blackboard and Serva Shiksha Abhiyan. It further outlined that India has made a concrete effort to address this issue by amending its Constitution (Ninety-third Constitutional Amendment Bills 2001) to make quality education the right of every child, thereby strengthening the legal framework for providing free and compulsory quality Elementary Education for all the children. The Chapter also discusses its follow up legislation known as Right to Children to Free and Compulsory Education Act, 2009 which includes the features that every child in the age group six to fourteen has the right to free and compulsory education in a neighborhood schools till the completion of Elementary Education. The private schools will have to take twenty five per cent
of their class strength from the weaker sections and the disadvantaged groups of society and so on. It also presents a critical view of this existing law which may serves as a barrier in achieving the objective of Universalisation of Elementary Education (UEE).

Chapter-IV is devoted to providing genesis of the State of Uttar Pradesh in respect to its demographic, social, economic and cultural features. Uttar Pradesh is a unique State of India characterised by diversity in its physical features, has a typical plural overtone in various aspects of social, commercial, cultural, religious and historical inheritance. It covers an area of twenty nine thousand four hundred and eleven sq. kms (including Uttaranchal the newly created State). As the most populous State of India, it is both socially and educationally backward. The Chapter also highlights the organisational structure of the existing educational system of the State including the purpose of educational administration. The State is at present divided into sixteen regions with a Joint Director of Education and a Deputy Director and an Assistant Director for Secondary and Basic Education respectively to accelerate and ensure the expansion and improvement of Secondary and Elementary Education. The Chapter also focuses on legalisation with regard to the Primary and Elementary Education in the State and discusses the features of Uttar Pradesh Basic Education Act, 1972 thoroughly. Besides, it also discusses some of other important Acts on Primary Education in the State including the pre and post independence periods, namely The United Provinces Primary Education Act, 1919 and the United Provinces Districts Boards Primary Education Act, 1926. The Chapter also discusses the aims and recommendations of the various Commissions and Committees that have been appointed in UP to deliberate on several aspects of Primary and Elementary Education. They contributed immensely to stock of ideas in this regard.

Chapter V is devoted to various affirmative actions taken by the Government of Uttar Pradesh in recent years especially after formulation of National Policy on Education 1986 to the adoption of the Right to Education Act
2009. It especially focuses on the performance and implementation of various Centrally sponsored schemes in UP such as Operation Blackboard (OB), Mid-Day Meal Scheme (MDMS), District Primary Education Programme (DPEP), Uttar Pradesh Basic Education Programme (UPBEP) and most recent Serva Shiksha Abhiyan (SSA) taking cognizance of the implementation of the Right to Education in the State. Along with this, several other initiatives, taken by the concerned State itself for improving the educational status of girls, children belonging to ST, SC, minority and poor family have also been discussed. It further covers issues such as the nature, sources and size pattern of financial grants for Elementary Education in terms of the State Domestic Products (SDP) and the Gross Domestic Products (GDP) and also examines the outlays that have been allocated to the State in the Five Year Plans for various policies, programmes and schemes proposed by the Government of India and initiated by Government of UP from time to time for the better realisation of the Right to Education and to ameliorate the conditions of children as a whole.

Chapter VI gives the statistical panorama of the present status of Right to Education in Uttar Pradesh. It includes the analysis of the availability of schooling to all children on equal basis, facilities attached to those schools, quality of education provided in those schools and future prospects of the Right to Education (RTE) Act, 2009 in the State. The Chapter also came out with some valuable findings that should be taken into consideration at the time of the formulation of educational programme and policy for making the Right to Education equally available to all the children.

Lastly, summerisation and conclusion of the entire work has been done. Besides, various suggestions have also been incorporated for the proper realisation of the Right to Education in India, particularly in UP. Conclusion reveals that though there is a remarkable increase in enrolment and retention of children at both the stages of Primary and Upper Primary, a large number of students in UP still remain out of school. The present study also finds out that despite the appointments being made every year (along with the appointments of
‘para-teachers’), there is an acute shortage of teachers at both levels of education (Primary and Upper Primary) in UP. More than a decade has passed since the launch of Serva Shiksha Abhiyan (SSA) in the State, the required infrastructure could not be created in all the Primary and Upper Primary Schools of the State. Whatever infrastructure is there it has not been fully utilised. It has also been observed that most of the time the teachers are absent and if present they are involved in several non-teaching activities like eating, gossiping, school constructions, census, pulse-polio eradication campaign and others. The quality of education which largely depends on infrastructural facilities of school and teacher’s ability to teach is not satisfactory. Students are generally weak in reading, writing and numeric. It is also noted that there has been a continuing problem of disparities in educational achievement of State in terms of gender, caste, religion and region. The girl child and the children from the communities such as Schedule Castes (SCs), Schedule Tribes (STs), minorities, the working children, the children living below the poverty line and the children with special needs are being historically excluded from their access to school. The study also concludes that the size-pattern of financing Elementary Education under SSA (the latest educational campaign) is inadequate, fluctuating and inconsistent. Wastage is also reported in the utilisation of fund. The State of UP requires both allocation of more amount as well as proper utilisation of that fund for achieving Universalisation of Elementary Education (UEE) in the State. It also focuses on the requirement of more fund for the implement of RTE Act, 2009. Other important issues like weak community participation, unawareness and less interest of parents in educational activities and caste-class conflicts on mid-day meal have also been recorded.

It is noted that inspite of various initiatives taken by the Government to achieve the goal of UEE and ensure the children their Right to Education, disparities were observed in terms of literacy, access, participation, and school infrastructure, quality of education and learning outcomes. It is not enough to bring all the children into the system but retaining them and make them learn is
equally a great challenge. Therefore, the need of the hour is to plug the existing loopholes in the laws, bring about proper and effective implementation of the policies/programmes/schemes and also to sensitise the administrative and judicial machinery in order to remove the hurdles in the way of achieving UEE and bring about effective and blotless justice to the children of India as well as the State concerned. In addition to laws, it is necessary to make some structural changes, particularly in the pattern of financing, teacher’s training, community participation, poverty reduction, physical facilities and consequently in the quality of education. Issues like teacher’s absence, pupil-teacher ratio, dropout rates especially in disadvantaged groups, leave much to be desired thus should be addressed more sincerely. Besides, it is vital to change the attitude and mindset of the parents and society as a whole, in order to reduce the educational disparities, particularly the gender disparity whereby girls can also enjoy their legitimate freedom to exercise their Right to Education. Finally all best efforts will be needed to assure the Right to Education to every child in India and UP by 2015 as mandated by the international community in form of Millennium Development Goals.