CHAPTER 1
INTRODUCTION

Every member of a society is entitled to the rights and privileges of the society and obliged to fulfill their duties and obligations in return for the enjoyment of these rights and privileges and is expected to accept to be subjected to the sanctions in case of failure to fulfill her/his obligations. As a new born is not aware of the rights and obligations prescribed by the society for its members there is a need to make him/her conscious of the system of rewards and sanctions because without such an arrangement societies cannot function smoothly and result in chaos and conflicts threatening the very existence of the society itself. This process of making a new born baby a full member of the society is called socialization and every society, from the most primitive to the most advanced, have in place some mechanism of socializing their young ones. The process begins with birth of an individual and continues till the end of her/his life.

Early in the history of mankind when societies were simple children got socialized by imitating the behavioral patterns of the parents and other elders around them and there was no need for any formal instruction and as such there were no formal agencies of education. But as the societies got complex the patterns of interaction among the individuals became complex as each had to play multiple roles. As the mankind progressed economically the division of labour got increasingly more complex and the skill and interaction patterns got more defined, it became practically impossible to acquire the complex skills and behavior patterns just by imitating the parents and other elders. Thus, arose the need for specialized institutional arrangement to transfer the requisite skills and behavior patterns to younger members of the society to enable them to play the required roles according to the norms of the society. This specialized formal institution of socialization is called school or formal education.

Historically speaking the concept of formal education is relatively of modern origin, not only in India, but also in the Western countries. The emergence of Industrial Revolution in the West gave a boost to the beginning of formal education. India received the tradition of contemporary education from the West more particularly from the British rulers. According to Yogendra Singh, in India the traditional content of education was esoteric and metaphysical, its reach was limited to upper castes and its organization was ascriptive. Modern education, on the other hand is rational and
scientific and open to all groups on the basis of merit. Education is seen as the most influential agent of modernization apart from industrialization and Urbanization in India. (Singh1973).

The British laid the foundation of modern education in India. Though initially, they did not attempt to develop a system of education, but in the beginning of the 18th Century the British Administrators began to pay their attention to the promotion of education. The Charter Act of 1813 which for the first time made a promise of spending 1 lakh rupees for the promotion of education. Maculay’s Minute of 1833, Sir Charles Woods’ Despatch of 1854, the Indian Education Commission of 1882, and Lord Curzon’s initiatives are the historic landmarks in the promotion of modern education in India. A new pattern of education was created which was not exactly a European model, nor even totally indigenous. It was blended of the two systems. The educational organizations that emerged gradually got graded into primary education (vernacular), high/secondary education and college/ higher education. Primary education imparted in the regional language remained neglected while higher education imparted through the medium of English Language received a fillip. The neglect of primary education continued till it became a provincial subject. Thus, the modern education system in India, started by the British remained the preserve of the upper castes and the urban, upper and richer classes with a heavy slant on higher education. With the attainment of independence, the Govt. of India attempted to extend the reach of primary education to the masses, particularly in the rural areas. Consequently, universalization of elementary education became an accepted and a national concern and a challenge.

1.1: THE MOVEMENTS FOR COMPULSORY PRIMARY EDUCATION:

The provision of universal elementary education has been a cherished goal of Indian people for long time. The demand for this service, obviously stimulated by the passing of Elementary Education Act in England 1870, was first put forwarded by a few enlightened Indians before the Indian Education Commission of 1882. The Grand Old Man of India Dada Bhai Naoroji, was one of them. He contrasted ‘the British’ policy towards Elementary Education in England (where the first parliamentary grant of £2000 for education was sanctioned in 1833, but further expansion was so rapid that, by 1882, compulsory education laws had already been passed, the total
enrolment had increased to 4.857 million or 1 in 7 of the population and the total expenditure on elementary education increased to 4s 3d per head of population) with the ‘un-British’ policy in India (where the first Government grant for education was sanctioned twenty years earlier in 1813 but where further expansion was so slow that, by 1882, the total enrolment in elementary schools had increased only to 1.633 million or 1 in 114 of the population and the total expenditure on education had increased only to 8.71 paisa or less than a penny per head of the population). He described it as a ‘sad, sad tale’ which allowed ‘nearly twenty five million children to grow up in ignorance.’ But at this early period, the Commission would not even entertain the concept of universal and compulsory education and all his eloquent pleading was of no avail.

The thread was again taken up by another man from Bombay, Gopal Krishna Gokhale who moved first, a Resolution (1910) and than a Bill (1911) in the Central Legislature for the permissive and gradual introduction of Compulsory Education through the Local Bodies. But the Resolution had to be withdrawn and the Bill was defeated because the Government of the day felt that the concept of compulsory education was ruled out by ‘administrative and financial considerations of decisive weight.’ But, Indians insisted on thinking differently. Maharaja Sahaji Rao Gaikowar of Baroda, who has been rightly described as a prince among the educators and an educator among the princes, boldly introduced the experiment in the Amrelli Mahal of his State in 1893 and being successful in his experiment later in 1906 extended to the whole state. Influenced by the success, all the Legislatures of the British Indian Provinces passed Compulsory Education Laws in between 1918 to 1930. The concept of compulsory elementary education thus came to be accepted in theory and was incorporated in the laws of the land, especially after the transfer of education to Indian Control in 1921.

But, practical implementation of the scheme of compulsory education in India was obstructed by two major causes- one, the rapid growth of population and the other poverty of the people. To resolve these two vital problems we must mention the names of two great leaders of our country. The first was R.V.Parulekar who advocated the adoption of the double shift system, partly to reduce the cost of educating a child, and partly to enable the poor children to work at home and to receive education simultaneously. The second was M.K. Gandhi, who put forward the
idea of Basic Education and felt that elementary education, conducted on ‘basic’ lines, should be self supporting- a characteristic of the experiment which he described as an ‘acid test’ of its success. But, neither of these received a fair trial by 1939 when the Second World War broke out and put all developmental programmes in cold storage for some time.

In 1944, the Central Advisory Board of Education prepared a plan, known popularly as the Sargent Plan after Sir John Sargent who was then the Education Commissioner with the Government of India, which accepted the concept that the National System of Education in India must include a provision for the compulsory schooling of eight years for all children (age group 6-13). It was not worried on the financial score as it was planning for a period of 40 years during which time it expected the Indian economy to be floating. It did not have to accept Parulekar’s device of the double-shift which was purely financial in origin and admittedly diluted quality to some extent. It, however, accepted Gandhiji’s idea of Basic Education, both its qualitative aspects and for its inculcation of the dignity of labor, but without its acid test of self-sufficiency. All that it accepted from the teaching of craft was that its produce should pay for the cost of raw materials. However it could not be implemented due to the fact that the British empire was busy with the World War II and immediately after the Labour government in England decided to grant freedom to India in 1947 and as the government did not take any serious interest in implementing the Plan and left for the independent India to decide. The Kher Committee which examined the Sargent Plan from the national point of view accepted the programme of universal, compulsory and free basic education as proposed in the Plan itself but reduced the time factor from 40 years (1944-84) to 16 years (1944-1960). This view was accepted by the framers of the Constitution in 1950 and that is why Article 45 of the Constitution directs that, “the State shall endeavor to provide free and compulsory education for all children till they reach the age of 14 years within ten years from the date of adoption of the Constitution on the 26th of January 1950.”

In our country, a number of laws, acts, regulations were passed from time to time, and we find a lot of changes from the earlier to the present legislations. However, the attempts to make the right to free and compulsory education available to the Indian children began a little more than a century ago. Many changes that had taken place in Europe in the 18th century had their impact on the Indian contemporary life and
perceptions. This was the period of emergence of the middle class, and the rise of nationalistic and individualistic philosophies. With these new ideas emerged new concepts regarding education as a right of all the citizens and as a duty of the state. In the latter half of the 19th century, the educated Indians, during their travels abroad, noticed these changes on the Continent as well as in Great Britain. They noticed, in particular, the difference in the entitlement of citizens in England and in British India.

When in 1870, England passed legislation to make education free and compulsory, a demand was raised, in India to provide similar facilities in its Colonies. A number of educated Indians deposed before the Indian Education Commission in 1882 and asked for laws to be made to make education compulsory and wean children away from labor in factories and other kinds of unsuitable works (Desai, 1953). From this point onwards began the struggle for making available the same right to every child in India.

To show to the British that such ideas were not too ‘Utopian’ in the Indian context, a number of Princely States such as Baroda, Travencore, Manipur etc. introduced legislations in their states to make education compulsory (Saïyidain, 1966).

Here is a brief overview of the major historical events relating to the compulsory primary education in India:

► 1870 Compulsory Education Acts passed in Britain followed by a huge public demand for similar treatment for Indians too.

► 1882 Formation of the First Indian Education Commission and the Indian leaders demand provision for mass education and Compulsory Education Acts.

► 1893 Maharaja Sahaji Rao Gaikowar of Baroda introduced Compulsory Education for boys in Amerli Taluk of his province.

► 1906 Maharaja Sahaji Rao Gaikowar of Baroda being successful in his experiment extended compulsory education to the whole state of Barada.

► 1906 Gopal Krishna Gokhale makes a Plea to the Imperial Legislative Council for introduction of free and compulsory education.
► 1911 Gopal Krishna Gokhale proposed a Private Members Bill, which was rejected.

► 1917 Vittalbhai Patel moved the issue and succeeds in getting the Compulsory Primary Education Bill passed.

► 1917 First Law on Compulsory Primary Education passed (popularly known as Patel Act).

► 1918-30 Every Province in British India gets Compulsory Education Act on its Statute Book.

► 1930 Hartog Committee Report Recommended for qualitative improvement of education (not quantity), hinders the mass expansion and development of Primary Education in India.

► 1944 Post War Plan for educational development in India (Sargent Plan) proposes scheme for India to achieve universal elementary education by 1984 (40 years), but not implemented in view of the fact that the British Government decided in 1945 that India would be granted independence on August 15th 1947.

► 1947 Ways and Means (Kher) Committee was set up to explore ways and means of achieving Universal Elementary Education (UEE) within ten years at a lesser cost which ruled out the recommendation of the Sargent Committee’s 40 years duration.

► 1947 Constituent Assembly Sub-Committee on Fundamental Rights places Free and Compulsory education on the list of Fundamental Rights:

“Clause 23- every citizen is entitled as of right to free primary education and it shall be the duty of the state to provide within a period of 10 years from the commencement of this constitution for Free and Compulsory education for all children until they complete the age of 14 years”.

► 1947 (Apr.) Advisory Committee of the Constituent Assembly rejects Free and Compulsory Education as a Fundamental Rights and sends the clause to the list of ‘non-justiciable fundamental rights’ (later termed as Directive Principle of the State Policy).
1949 (Nov.) After a long debate in the Constituent Assembly removes the first line of this Clause (now Art. 36) i.e. “Every citizen is entitled as of right to free primary education and it shall be the duty of the State to...” and replaces it with “The State shall endeavor to...” and Dr. B.R. Ambedkar, clarifies that the objective of Art. 36 are not restricted to free primary education... “The Clause as it stands after the amendment is that every child shall be kept in an educational institution under training until the child is of 14 years”... “a provision is made in Art.18 to forbid any child being employed below the age of 14. Obviously, if the child is not to be employed below the age of 14, the child must be kept occupied in some educational institutions. That is the object of Art.36, and that is why I say the word primary is quite inappropriate”.

1950 Article 45 of the Directive Principles of the State Policy (DPSP) of the newly adopted Constitution of India provides that:

“The State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.”

1.2: COMPULSORY PRIMARY EDUCATION IN THE INDIAN LEGISLATURE:

In the space of the last century, a number of Acts have been passed in India to enable education to be made free and compulsory. The list of such Legislation passed in India, both before and after independence is produced below. This list does not, however, include all the current acts in force. This long list of Acts should, at the very least, serve to emphasize the point, that if legislation alone could have achieved universalization of elementary education, India would have achieved UEE by now. Despite this impressive armoury of Legislation, India has the largest number of illiterates in the world as well as the largest number of working children. To be precise, 1/3rd of the world’s illiterate live in India. What is important is how this armoury was used, (or not used), to fight illiteracy.
List of Compulsory Education Acts in India in Pre-Independence Period:

1. The Bombay Primary Education (District Municipalities) Act. 1917
2. The Bengal Primary Education Act. 1919
3. The Bihar and Orissa Primary Education Act. 1919
4. The Punjab Compulsory Education Act. 1919
5. The United Provinces Primary Education Act. 1919
6. The Bombay City Primary Education Act. 1929
7. The Central Provinces Primary Education Act. 1920
8. The Madras Primary Education Act. 1920
9. The Patiala Primary Education Act. 1926
10. The Bikaner State Compulsory Primary Education Act. 1929
11. The Madras Primary Education Act. 1937
12. The Bombay City Primary Education (District Boards) Act. 1922
13. The Bombay Primary Education Act. 1923
14. The Assam Primary Education Act. 1926
15. The U.P (District Boards) Primary Education Act. 1926
16. The Bengal (Rural) Primary Education Act. 1930
17. The (Jammu & Kashmir) Compulsory Education Act. 1934
18. The Bombay Primary Education (Amendment) Act. 1938
19. The Punjab Primary Education Act. 1940
20. The Mysore Elementary Education Act. 1941
21. The Travancore Primary Education Act. 1945
List of Compulsory Education Acts in India in the Post-Independence Period:

1. The Assam Primary Education Act. 1947
2. The Bombay Primary Education Act. 1947
3. The Cochin Free and Compulsory Primary Education Act. 1947
4. The Madhya Pradesh Compulsory Primary Education Act. 1950
5. The Ajmer Primary Education Act. 1952
6. The Madras Elementary Education Act. 1952
7. The Hyderabad Compulsory Primary Education Act. 1952
8. The Vindhya Pradesh Primary Education Act. 1952
9. The Himachal Pradesh Compulsory Primary Education Act. 1953
10. The Assam Basic Education Act. 1954
11. The PEPSU Compulsory Primary Education Act. 1954
12. The Bhopal State Compulsory Primary Education Act. 1956
13. The Saurashtra Primary Education Act. 1956
15. The Delhi Primary Education Act. 1960
17. The Andaman & Nicobar Islands (Primary Education) Regulation. 1959
18. The Mysore Compulsory Primary Education Act. 1961
19. The Assam Elementary Education Act. 1962

The above list of Legislations concerning Primary / Elementary Education in our country before and after independence shows there has been no dearth of Legislation to make education free and compulsory over the years. The records and data available until 1971-72 report that coercive measures were also taken for enforcement of compulsion.

A sample of the kind of information available from the data is reproduced in the following tables.
Table 1:
Data on Enforcement of Compulsory Education in India since Independence-
Number of notices Issued: All India

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Compiled from Education in India (1949-50-1970-71), Ministry of Education Govt. of India. Source: Juneja (1996).
Table 2:

Data on Enforcement of Compulsory Education in India since Independence-
Number of Prosecutions-Fines Realized (Rs): All India

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Compiled from Education in India (1949-50-1970-71), Ministry of Education Govt. of India. Source: Juneja (1996).

NA: Not Available
Although, many acts for free and compulsory education were introduced with great enthusiasm in India, both before and after independence, this enthusiasm for education of the masses was not shared by all. When it came to allocation of funds, free and compulsory education for the masses was never considered to be of higher priority than for some other expenditure for which money was found. (Desai, 1953: Naik, 1982).

Even in the 10-years period, “after the commencement of the constitution”, when evidence of great ‘endeavor’ may have been expected, the picture was one of lack of priority to mass education. Based on an analysis of the budget speeches of the post-independence years, particularly in the 10-year period, 1951-1961, which embraced the first and second five-year plans, (a period of rare political cohesion) Jain (2001) pronounced that “there is not to be found even a passing reference to education let alone to Article 45 in the Budget Session”.

Likewise, the addresses of the Education Ministers to the Central Advisory Board of Education (CABE) were full of apology and despair:

1956 – “I must confess that I was considerably disappointed when this revised plan was drawn up... I am continuing with my endeavors and it is my resolve that we must try to provide a reasonable allocation for education in the Second Plan...”

(Maulana Abul Kalam Azad, Chairman’s Address, Twenty Third Meeting of the CABE, January 1956)

1958- “I may add that one of our difficulties has been that some of my colleagues have regarded education to be a purely provincial subject and did not therefore think it necessary that the Central Government should provide adequate funds for education. Even when the Planning Commission was set up, the situation did not at first change. When the First draft of the plan was made, education was almost completely ignored. There seemed to be great view that we should take up only subjects, which would give quick returns. Since they held that education could not do this, education was left out of the first draft.”

(Maulana Abul Kalam Azad, Chairman’s Address, Twenty-fifth Meeting of the CABE, 1958)
In desperation, given this situation of non-priority in funding, a ‘de-facto’ Central Policy in respect of ‘non-enforcement’ of compulsory education appears to have been enunciated and communicated to the states to bring about a ‘shift’, away from the policy of enforcement of compulsory attendance. Since education at that time was a ‘state’ subject, a process was set in motion (through the ‘National Seminars on Compulsory Education’ which commenced in 1961 and were held annually in the mid-sixties,) to bring to a halt whatever action was being taken by way of enforcement of compulsion. Finally, in 1972, a new format of data gathering ceased even to collect data on compulsory education even though the acts continued to exist on the statute books (Juneja, 1996). The official ‘death knell’ of compulsion in India came through the recommendation of the CABE meeting of 1964. It was recommended:

“In regard to legislation on compulsion at the primary stage, the Board was of the view that where as statutory provisions may be necessary for such purposes as collection of cess, the really effective method of achieving universality in education in this age group would be extension of facilities in areas not yet covered and use of persuasion incentives”.

(Excerpt from proceedings of the 31st meeting of the CABE, Bangalore, 1964)

With this official sanction to relegate ‘legislation or compulsion at the primary stage’ to the sole purpose of collection of cess, the National Seminars on Compulsory Primary Education’, having served the purpose of influencing the change in the stated policy, also changed their name. After the 1964 CABE recommendation, they became ‘Seminars on Elementary Education’, and the national educational goal, which up to then had been stated in Central Government annual reports as the “introduction of universal free and compulsory education”, was changed thereafter to the “achievement of the goal of universal education”. Despite the fact that Article 45 of the Directive Principle of State Policy directed the state to endeavor to provide free and compulsory education to all children until they complete the age of 14 years, neither the 1968 Policy on education nor the 1986 policy spoke of making education ‘compulsory’!

J.P.Naik, who at that time, was the Education Advisor to the Union Government and also the Director of the Seminars on Compulsory/Elementary Education provided
enlightenment on the underlying reasoning behind this policy shift in a publication in 1975 (Naik, 1975). Though the constitution directed the State to provide free and compulsory education, enough money was never made available for making education compulsory. Rather than giving up efforts for this constitutionally directed compulsion altogether, it was decided, as may be seen from the extract reproduced below, to enforce it up to the age of 14 (as directed by the constitution), but from the age of 11 years onwards, because the Constitution did not specify any lower age from which compulsion should begin!

The following Extract, from the report of the CABE on Universal Primary Education, shows just how the lack of funding for mass education led to the grasping at desperate measures, to provide for the constitutional directive of compulsory education:

“The present policy is to consider universal enrolment in the age group 11-14 after universal enrolment in education system. In the new policy, an attempt would be made to make education universal in the age group 11-14 side by side with expansion of facilities for the age group 6-11. The emphasize thus shifts from enforcing enrolment and attendance in the age group 6-9 to enforcement of enrolment and attendance in the age group 11-14, ordinarily on a part time basis. This is more economical and effective. The Late Dr. Zakir Hussain used to say that if he had money to provide only three years of education for the children of the country, he would rather make education universal in the age group 11-14 than in the age group 6-9, because the grown up child will learn better and faster and remember things longer. He also emphasized that the Constitution specifies the age of 14 as the upper limit for universal education and does not mention the lower age limit. He therefore, argued that compulsion in the age group 11-14 would satisfy the Constitutional directive while that in the age group 6-9 or even 6-11 would not. It is this sound policy on educational and constitutional grounds that is proposed to be given effect to in these recommendation.”

(Extract from ‘Report of the Working Group of the CABE on Universal Primary Education in India’ reproduced in Naik, J.P, 1975)
1.3: RECENT DEVELOPMENTS LEADING TO THE 86TH CONSTITUTIONAL AMENDMENT:

In the early 1990’s, a sudden revival of interest was observed in the matter of securing the right to free and compulsory education for all children in India. Interestingly, neither the 1986 Policy on Education nor its Programme of Action had mentioned making education compulsory. It is believed that commitments at Jomtien in 1990 and the events leading to it may have had its echoes in India as well. However, among official documents, it was the Ramamurti Committee Report in 1990, on the review of the 1986 education policy, which first chided the government for not paying attention to the right to education saying, “this problem qualifies for being the most fundamental problem of our education system”. This Report called for recognition of the right to education as a fundamental right.”

An outline of the events leading up to the passage of the 93rd Constitution Amendment Bill (86th Constitutiona Amendment Act) in both houses of parliament is presented below:

1990: The Committee to Review the National Policy in Education, 1990- Ramamurthi Committee in its report titled ‘Towards an Enlightened and Humane Society-NPE, 1986-A Review’ chides the government for its continued failure since to fulfill the Constitutional Directives:

“No the time has come to recognize ‘Right to Education’ as one of the fundamental rights of the Indian citizen for which necessary amendments to the constitution may have to be made and more importantly, conditions be created in society such that this right would become available for all children of India”. (Para 6.13)

1991: Myron Wiener’s Book, “The Child and the State in India: Child Labor and Education Policy in Comparative Perspective” creates ripples. Its main thesis being that India’s poverty was less relevant, as an explanation for the failure to eradicate child labor and enforce compulsory education, than the belief system of the middle classes (to which class, the state bureaucracy also belonged).

1992: India becomes the signatory to the UN Convention on Rights of the Child. (CRC) Article 28 of this Convention states:
“State parties recognize the right of the child to education and with a view to achieving this right progressively, they shall in particular (a) make primary education compulsory and available free to all….”

As part of this agreement, India is also committed to review its laws and bring them in line with the Convention. International treatise serves to set standards and Courts generally interpret domestic laws so as to maintain harmony with the provisions of international law. Article 51 (c) of the Indian Constitution states that the State shall endeavor to foster respect for international law and treaty obligations.

1993: The Supreme Court Judgment in the case of Unni Krishnan J.P. vs. State of Andra Pradesh and others (SC.2178, 1993.) makes education a fundamental right:

“The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right however is not an absolute right. Its contents and parameters have to be determined in the light of Article 45 and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter, his right to education is subject to limits of economic capacity and development of the state.”

1994: The Common Minimum Programme of the United Front Government resolved to make the right to free and compulsory elementary education into a fundamental right and to enforce it through suitable statutory measures. It sets up a committee (Saikia Committee) to examine this proposal.

1997(Jan.): The Report of the Committee of State Education Ministers on Implications of the Proposal to Make Elementary Education A Fundamental Right (Saikia Committee Report) recommends:

“The Constitution of India should be amended to make the right to free elementary education up to the 14 years of age, a fundamental right. Simultaneously an explicit provision should be made in the Constitution to make fundamental duty of every citizen who is a parent to provide opportunities for elementary education to all children up to 14 years of age.”

The Committee also recommended the amendment of existing state legislation on compulsory education.
1997 (July): The Constitution (83rd Amendment) Bill, 1997, tabled in the Lok Sabha; (this was further referred to the Department Related Parliamentary Standing Committee on Human Resource Development). The 83rd Amendment Bill proposed:

- After Article 21 of the Constitution, the following article shall be inserted, namely: “21 (A)

(i) The State shall provide free and compulsory education to all citizens of the age of six to fourteen years.

(ii) The right to free and compulsory education referred to in clause (i) shall be enforced in such manner as the State may, by, law determine.

(iii) The State shall not make any law, for free and compulsory education under clause (ii), in relation to the educational institutions not maintained by the State or not receiving aid out of State fund”.

- Article 35 of the Constitution shall be renumbered as clause (i) of that article and after clause (i) v as so renumbered and before the explanation; the following clause shall be inserted, namely:

“The competent legislature shall make the law for the enforcement of right to free and compulsory education referred to in clause (i) of Article 21A within one year from the commencement of the Constitution (Eighty third Amendment) Act, 1997: Provided that a provision of any law relating to free and compulsory education in force in a State immediately before the commencement of the Constitution (Eighty third Amendment) Act, 1997 which is inconsistent with the provision of article 21A shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier”.

- Article 45 of the Constitution shall be omitted.

- 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, as the case may be, ward between the age of six and fourteen years.”
1997 (Nov.): The Department Related Parliamentary Standing Committee on Human Resource Development submits report to both houses of Parliament, and recommends that the bill be passed subject to changes recommended by it. The major recommendations of the committee related to:

(i) Retention of Article 45 to cater to the 0-6 age group.

(ii) Clause (3) of the proposed Article 21A relating to private institutions may be deleted.

(iii) The Centre should prepare one simple legislation with some skeletal framework which may also indicate the Central share in the financial burden. The details can be formulated by the respective states according to their requirements. The Central Government may therefore consider working out the necessary legislation.” (Para 15.16)

2001 The 83rd Bill was amended, and reintroduced as Constitution (93rd Amendment) Bill 2001 in the parliament with the following provisions:

■ After Article 21 of the Constitution, the following Article shall be inserted namely: “21A. The state shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the state may, by law, determine.”

■ For Article 45 of the Constitution, the following shall be substituted, namely: “45. The state shall endeavor to provide early childhood care and education for children until they complete the age of 6 years.”

■ In Article 51-A of the Constitution, after clause (j), the following clause shall be added, namely: “51(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.”

The Constitution 93rd Amendment Bill, 2001, was discussed and passed by unanimous vote in the Lok Sabha on 27th Nov. 2001 and by the Rajya Sabha on 14th May 2002. It again went back to the Lok Sabha for approval of the clauses to amend the date of Bill to 2002.
According to the Article 368 of the Constitution, there was no need for ratification by the state legislatures. After the Bill received the President’s assent, it became the 86th Constitution Amendment Act. It remains for the ‘State’ to determine ‘by law’, as required by the new Article 21A, the manner in which free and compulsory education is to be provided to all children in the 6-14 years age group. The new law, as recommended by the Parliamentary Standing Committee, shall be a Central Legislation. It anticipated that this shall be the first central legislation on Elementary Education.

1.4: THE PROBLEM:

India as a civilization is very old and one among the earliest civilizations along with China, Mesopotamia and Greece. As a result it inherits well evolved Philosophical Traditions, Cultural Patterns, Artefacts, Arts and Architecture and even an economy and an elaborate medical system. This civilization had the fortune of having come into contact with other civilizations through interaction with whom it was further enriched. Thus, the ancient India was predominantly Hindu, emergence of Buddhism and Jainism, though essentially Vedic like the Hinduism, created another stream of thought and even social and economic organisations and then the coming of the Muslims and their settlement here brought in yet another stream of thought, culture and socio-economic organisations. It is interesting to note that though all these streams got synthesised and as Jawaharlal Nehru said, “Synthesis is our tradition”, yet the different cultural patterns have also survived and have been practiced in harmony for millennia.

During the ancient and medieval times each cultural groups had its own system of socialising its young ones and as a result had its own system of education commensurate with its social and economic needs. While the Hindus, continued with their Caste based hierarchical structure, Muslims practice equality of all before God and the Buddhists maintained their agonistic tradition. However all got influenced by the other and as such traditions like Bhakti Movement, Sufism, Sikhism, etc. emerged and have been influencing the peoples’ lives till today.

Despite all this, India was not one nation, not one political entity and not even the mightiest kings like Ashoka, Akbar and Shivaji ruled the entire Sub-Continent. The country was divided into several hundred kingdoms and Rajawadas which very often
fought against one another. Thus, a uniform pattern of social, political, cultural system never evolved till the advent of the British, first as traders and then gradually as the rulers. It was during this British rule of nearly two hundred years, that India emerged as one political entity and therefore though it is an ancient civilization it is comparatively a new Nation.

This civilization can boast of traditional educational institutions like the Nalanda and Taxila, but that education was essentially confined to the priestly class and to the total exclusion of the masses that comprised peasants, cultivators and artisans. Some similar trend in education continued even during the Muslim rule although theoretically Muslims believed in equality of all men before God. And during all this time education was essentially learning of the Scriptures whether Hindu, Muslim or Buddhist, probably because the economy did not need the mass education in secular subject like Science, technology, etc.

The British rulers, in order to strengthen their hold, tried to develop communications and transport systems and to proselytise the Indians they also opened Missionary schools and taught Indians English Language to be able to communicate with the masses through these English educated Indians. They also were interested in increasing their profits by exploiting both the natural and human resources in this country for which application of Western Science and Technology was essential. Therefore, they had to and they did secularise Indian Education and also tried to make it accessible to all given their humanism and liberalism together with the idea that ruling an educated people is easier than the barbaric tribals.

Thus, the modern education in formal system and open to all began only during the British rule in India. But, given the extent of diversities in geographical, cultural, economic, political, religious, linguistic, racial terms, the progress made has not been uniform through all the regions and groups.

To equalise the opportunities of growth and prosperity for all, independent India constituted itself in to a Sovereign, Democratic Republic with a Socialistic pattern of society and the goals of such a society are enshrined in the Preamble to the Constitution of India, which reads as...
“We the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and opportunity, and to promote among them to all;

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;

In Our Constituent Assembly this twenty-sixth day of November, 1949 do hereby Adopt, Enact and Give to Ourselves This Constitution.”

Having realised the significance of education as a mechanism of social engineering and as an essential input to the economic development of the country, educational opportunities were equalised by the constitution. Thus, Article 45 provided for free and compulsory education to all children in the age group 6-14 years and now this provision has become a Fundamental Right under Article 21A as a part of Right to Life.

However despite the independent India’s efforts over past six and a half decades and despite making commendable progress, educational opportunities though equal, the achievements by different sections and regions are still unequal. 100% literacy or even enrolment in Primary schools continues to be elusive.

Therefore, it is pertinent to find out as to what are the factors that have hindered the achievement of 100% elementary education despite of our best efforts. The reasons for our failure to achieve 100% enrolment, even after 65 years of effort, do not lie just in the present social or political system but have historical roots. Therefore, it is essential to study the development of education historically; only then will it be possible to identify the factors that shape the educational system in this country. Only on the basis of such factors shall it be possible to reconstruct the system so that all eligible children get enrolled for at least elementary education and complete it successfully. The present study is an attempt in this direction.
**Delimitation of the Study:**

Since the time and resources at the disposal of the investigator are limited and as such he could not undertake the colossal task of making a study at the National or even the state level given the complex nature of social, economic, political, cultural and linguistic aspects of the society. The study is therefore, delimited to a more or less homogenous cultural and linguistic region of Assam, viz. Barak Valley which comprises of the three districts of Cachar, Karimganj and Hailakandi and is inhabited predominantly by Bengali speaking population. Thus the study is titled “A Study of the Development of Elementary Education in Assam since Independence with special reference to Barak Valley”.

**Objectives of the Study:**

The present study is intended to trace the origins of formal education historically and to review its progress in Assam since Independence with special reference to Barak Valley. The specific objectives of the study are:

1. To review the historical roots of formal education especially of the elementary stage with a socio-cultural perspective in Assam.

2. To draw a socio-economic profile of the society in Assam and Barak Valley at the time of independence.

3. To find out the status of elementary education in Assam and Barak Valley at the dawn of independence.

4. To study the progress of elementary education since independence in Assam and Barak Valley.

5. To identify the factors that shaped a system of elementary education in the region.

For the present study elementary education refers to formal schooling from Class I to VII/VIII.

**Hypothesis of the Study:**

The study being historical in nature involves documentary analysis from which meaningful inferences are drawn. Therefore, no hypotheses are proposed to be tested.
Methods of the Study:

The present study is a documentary analysis of Primary and Secondary sources of information relevant to the study. The internal consistency and historical relevance of the content is used as test of objectivity of the information.

1.5: THE LOCALE OF THE STUDY:

Assam is a miniature replica of the Indian subcontinent. It is situated in the extreme North Eastern part of the country and lies between 24°10′ N to 27°28′ N Latitude and 89°49′ E to 97°26′ E longitude. It is bounded by the states of Arunachal Pradesh in the North and North East; by Nagaland and Manipur in the East; by the states of Tripura and Mizoram in the south east; by Meghalaya in the South; and by West Bengal in the west. This is the region that touches the international borders of as many as four countries – China, Myanmar, Bhutan and Bangladesh.

According to the census of India 2011, the total population of Assam counted for about 3,11,69,272 persons of which 1,59,54,927 (51.19%) were male and 1,52,14,345 (48.81%) were female. 86% of this population was rural and only 14% was urban. The total literacy in Assam was 73.18% with 78.81% for male and 67.27% for female.

The above statements indicate that though the literacy percentages of all sections of people in Assam are increasing still a sizable portion of total population remained illiterate. It also indicates vast differentiation in the growth of literacy among different sections of people in the state.

The present state of Assam is comprised of three physical divisions’ viz. the Brahmaputra Valley, the Barak Valley and the Hill Range. The Brahmaputra Valley which forms northern part is the largest in size comprising 71.7% of total geographical area of the state. On the other hand Barak Valley region which forms Southern Part is comparatively smaller in size. The two valleys derive their names from the respective main rivers - the Brahmaputra and the Barak flowing through East to West in the Valleys. The Hill region formed by the Karbi-Anglong and the North Cachar Hills separates two valleys from the middle.
The Barak Valley region is situated between Longitude 92\(^0\)15" and 93\(^0\)15" East and Latitude 24\(^0\)8" and 25\(^0\)8" North, covering an area of 6922 Sq. Km. The Valley constitutes 8.9% of the geographical area of the state but it contains 11.22% of the population as per 2011 census. The region shares its border with North Cachar Hills district and the state of Meghalaya in the North, the state of Manipur in the East; the state of Mizoram in the South; and the state of Tripura and the Sylhet district of Bangladesh in the west.

Administratively, the region at present is comprised of three districts, viz. Cachar, Karimganj and Hailakandi. Cachar is the largest district and Hailakandi is the smallest with total geographical areas of 3786 Sq. Km. and 1327 Sq. Km. respectively and the area of Karimganj district is 1809 Sq. Km as per 2011 census. The district headquarters of Cachar, Karimganj and Hailakandi are Silchar Karimganj and Hailakandi respectively. Out of the three districts only Cachar district is comprised of two subdivisions namely Silchar and Lakhipur and the other two districts consists of only one subdivision each.

According to census of India 2011 the total population of Barak Valley was 36,24,599 of which 18,50,038 (%) were Male and 17,74,561 (%) were female, Rural urban breakup of the population in Barak Valley was 31,51,295 (86.95 %) and 4,73,304 (13.05%) respectively. The literacy rate in the Valley was 78.5% with 84.4% for male and 72.3% for female.

The total number of schools in Barak Valley (Primary and Middle) in 2010-11 was 5,816 of which 4,383 were Primary schools and 1,433 were Middle Schools. The total enrolment in Primary Schools (I-IV) was 4,67,160 and the total enrolment in Middle Schools (V-VII) was 2,03,422.
The Tables 3 to 6 below, give the breakup of population (SC, ST, Rural, Urban), Religions, literacy rates, number of institutions and enrolments in Barak Valley

Table-3
Population of Barak Valley, 2001

<table>
<thead>
<tr>
<th>Gender wise</th>
<th>Censuses Years</th>
<th>2001</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>29,95,769</td>
<td>36,24,599</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>15,41,235 (51.45)</td>
<td>18,50,038 (51.04)</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td>14,54,534 (48.55)</td>
<td>17,74,561 (48.96)</td>
</tr>
<tr>
<td>SC</td>
<td>Total</td>
<td>3,98,443 (12.77)</td>
<td>NA</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>2,06,259 (51.77)</td>
<td>NA</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td>1,92,184 (48.23)</td>
<td>NA</td>
</tr>
<tr>
<td>ST</td>
<td>Total</td>
<td>22,353 (0.58)</td>
<td>NA</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>11,283 (50.48)</td>
<td>NA</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td>11,064 (49.52)</td>
<td>NA</td>
</tr>
<tr>
<td>Habitation</td>
<td>Rural</td>
<td>26,76,447 (89.34)</td>
<td>31,51,295 (80.95)</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>31,93,22 (10.66)</td>
<td>4,73,304 (13.05)</td>
</tr>
</tbody>
</table>

*The figures in the parentheses indicate percentage.*

N.B: T= Total; M-Male; F-Female.

The 2001 Census, estimated the total population of Barak Valley is 29, 95,769 of which 15, 41,235 (51.45%) were male and 14, 54,534 (48.55%) were female. The Scheduled Caste (SC) population was 3, 98,443 (12.77%) out of which 2, 06,259 (51.77%) were male and 1, 92,184 (48.23%) were female. The Scheduled Tribe (ST) population was 22,353 (0.58%) out of which 11,283 (50.48%) were male and 11,064 (49.52%) were female. The rural population was 26, 76,447 (89.34%) and the urban population was only 3, 19,322 (10.66%).
Table-4
Population of Barak Valley by Religion, 2001

<table>
<thead>
<tr>
<th>Census years</th>
<th>Hindus</th>
<th>Muslims</th>
<th>Christians</th>
<th>Sikh</th>
<th>Buddhist</th>
<th>Jain</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>P</td>
<td>%</td>
<td>P</td>
<td>%</td>
<td>P</td>
<td>%</td>
</tr>
<tr>
<td></td>
<td>1580660</td>
<td>49.73</td>
<td>1362114</td>
<td>48.69</td>
<td>45476</td>
<td>1.35</td>
</tr>
<tr>
<td></td>
<td></td>
<td>765</td>
<td>1677</td>
<td>0.043</td>
<td>1700</td>
<td>0.053</td>
</tr>
</tbody>
</table>

N.B: P=Persons

The above Table shows the religious breakup of the population of Barak Valley as per 2001 Census. It is appear that the Hindus comprise 15,80,660 (49.73%), the Muslims 13,62,114 (48.69%), the Christians 45,476 (1.35%), the Sikhs 765 (0.043%), and the Jains 1970 (0.053%) of the total population of the Valley.

Table-5
Literacy rates of Barak Valley, 2001-2011

<table>
<thead>
<tr>
<th>Census years</th>
<th>Gender wise</th>
<th>SC</th>
<th>ST</th>
<th>Habitation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>T</td>
<td>M</td>
<td>F</td>
<td>Rural</td>
</tr>
<tr>
<td>2001</td>
<td>64.57</td>
<td>72.89</td>
<td>55.72</td>
<td>66.91</td>
</tr>
<tr>
<td>2011</td>
<td>78.5</td>
<td>84.4</td>
<td>72.3</td>
<td>NA</td>
</tr>
</tbody>
</table>

N.A: Not Available.

N.B: T- Total; M-Male; F-Female.

As per Census of India Report 2001, the literacy rate of Barak Valley was 64.57%, of which Male Literacy Rate was 72.89% and Female Literacy Rate was 55.72%. The Literacy Rate of SC’s was 66.91% of which the Literacy of the Males was 73.77% and that of the Females was 59.55%.

The Literacy Rate of ST’s was 61.96% of which the Male Literacy Rate was 70.71% and Female Literacy Rate was 52.33%. The Rural Literacy Rate in Barak Valley was 61.98% and Urban Literacy Rate was 87.44%.
Table 6

No. of Institutions and enrolment in elementary stage in Barak Valley, 2001 & 2011

<table>
<thead>
<tr>
<th>Years</th>
<th>Institutions</th>
<th>Enrolment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary</td>
<td>Upper</td>
</tr>
<tr>
<td></td>
<td>Primary (I-IV)</td>
<td>Primary (V-VII)</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>2001</td>
<td>3872</td>
<td>887</td>
</tr>
<tr>
<td>2011</td>
<td>4383</td>
<td>1433</td>
</tr>
</tbody>
</table>


The Table 6 shows the number of educational institutions (primary & middle) and enrolment of students. In 2001 there were a total of 4,759 schools, of which 3,872 were Primary and 887 were Middle Schools. The total enrolment in Primary Schools was 4,333,004, of which 2,186,617 (50.49%) were male and 2,143,871 (49.51%) female. Similarly in the Middle Schools the total enrolment was 1,448,260, of which 762,86 (52.67%) were male and 685,40 (47.33%) were female.

As per 2011 census, the total number of elementary school in Barak Valley was 5,818 out of which 4,383 were Lower Primary schools and 1,433 were Upper Primary schools. The total enrolment in Lower Primary classes was 53,4085 of which 2,73,760 (51.26%) were the Male and 2,60,325 (48.74%) were Female. The total enrolment in Upper Primary classes was 2,36,788 out of which 1,17,620 (49.67%) were Male and 1,19,168 (50.33%) were Female.