

# CONSTITUTIONAL MANIFEST OF RIGHT TO EDUCATION AND ITS IMPLEMENTATION: A CRITICAL APPRAISAL

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*“There is only one purpose in the whole of life – education. Otherwise what the use is of men and women, land and wealth?”*

---- Swami Vivekananda<sup>1</sup>

## ABSTRACT

Education is the manifestation of perfection already in man. It is the one that lends dignity to a man. Education is keystone for self-sustaining and livelihood and the education is life insurance for all children. Right to education for all is one of the biggest challenges of our times in the country. It is crucial that the right to education in its various dimensions is incorporated in the commutations and legislation. Right to education is a most important part of the developments. The following issues may be discussed, which are involved in the right to education, whether every individual has access to education as a fundamental right? What is the essence of article 21-A in recognizing right to education as a fundamental right? Whether the Right of Children to Free and Compulsory Education Act, 2009 ensures free and compulsory education in a true spirit? Whether the right to education (RTE) act that provides 25% reservation for students from weaker sections of the society? Whether Right to education is right education likely; quality education? Whether The RTE Act, 2009 go beyond the age of 14 years of the child? Whether Constitutional 86<sup>th</sup> amendment Act has provides that the age of 3-5 years of children as fundamental right. The age period of children 3-5 years is very essential from the point of view of mental growth of the child. It is right chief age of mental as well as physical growth of children? Education is the most powerful weapons which we can use to change the world. But this is possible only if we look at all the loopholes of our education system intensely and effort to remove the menace the illiteracy at

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<sup>1</sup> The Complete Works of Swami Vivekananda/Volume 8/Epistles - Fourth Series/CXI Rakhal, 11th October 1897 Available on

<[https://en.wikisource.org/wiki/The\\_Complete\\_Works\\_of\\_Swami\\_Vivekananda/Volume\\_8/Epistles\\_-\\_Fourth\\_Series/CXI\\_Rakhal](https://en.wikisource.org/wiki/The_Complete_Works_of_Swami_Vivekananda/Volume_8/Epistles_-_Fourth_Series/CXI_Rakhal)> (accessed May 1, 2015)

Walia Kiran, Swami Vivekanand – My Idea of Education (Delhi: Advita Asharma Department, 2009).

the initially. This paper critically evaluates constitutional manifest of right to education and its implementation.

**KEYWORDS:** Fundamental Rights, Human Rights, Compulsory Education, Quality Education.

### **INTRODUCTION:**

*“A good head and good heart are always a formidable combination. But when you add to that a literate tongue or pen, then you have something very special”.*

---- Nelson Mandela (1918-2013)<sup>2</sup>

Education has several aspects within and beyond the constitution as well as its contents and development in pre-independent period. The concept of education primarily intended the learning and imparting of knowledge. This issue may involve a variety of questions relating to the opportunities available liberty of the people to learn, their assess ability in their area and the Right to Education. It further involves several modes and methods of education centers, including the issues as to eligibility and availability of education to several classes of beneficiaries. When we talk about right to education it becomes significant that what does it mean and how far it is desirable looking to the needs and resources of the country.<sup>3</sup>

Education is a basic human right and is the foundation of a free and fulfilled life.<sup>4</sup> Education plays an important role in building a good society, it also promotes for good governance and transparency in a State. The growth and development of a State is primarily depending upon the quality of education given to the people. The State has the obligation to ensure elementary education to all irrespective of one's religion, race, caste and place of birth<sup>5</sup>. The constitution of India has also directed the state to provide elementary education to all up to the age of 14 years. The Supreme Court of India has also recognized the right to education as a fundamental right under in Article 21-A of the Indian Constitution. In this

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<sup>2</sup> Ann Kannings, “Nelson Mandela His Words,” *Lulu Press, Inc.*, (22-Jan-2014).

<sup>3</sup> Mishra, Pawan Kr., “Constitutional Contours of Right to Education: An Implicit Fundamental Right”, *Indian Bar Review*, Vol. XXXVII (1&2) 2010 (January – June 2010): 53-73.

<sup>4</sup> Chaturvedi, Swarupam, “Fundamental Right To Education: Myth Or Reality,” *Journal Of Constitutional And Parliyametary Studies*, Volume 39; Number 1-4, (January- December 2005): 163-182.

<sup>5</sup> Basavaraju, C. & Mahesha, B.P., “Right To Education As A Constitutional Perspective”, *Indian Bar Review*, Vol. XXXVII (3&4) 2010 (July – December 2010): 19-24.

context right to education may be discussed in three stages – First aspect is situation earlier 86<sup>th</sup> Amendment Act, 2002 which is the position of the original constitution and gives the idea of what constitution makers intended to do, and Second aspect is the character of the judiciary in realization of the fundamental right to education, and third aspect, what is done by policy makers to realize this constitutional mandate i.e., the position after the passage of the 86<sup>th</sup> Amendment Act, 2002.

### **SITUATION EARLIER 86<sup>TH</sup> AMENDMENT ACT:**

Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young. The human mind is our fundamental resource<sup>6</sup>.

The Constitution of India has recognized the significant of education for social transformation. It is document committed to social justice. The Constitution devoted several Articles to the Right to Education, but it was not in the form of fundamental right. Constitution makers place (right to) education in Part IV of constitution in the form of Directive Principles of State Policy. The State shall within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.<sup>7</sup> The original Article 45 was made the provision for free and compulsory education for children.<sup>8</sup> This Article said 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 14 years. After Constitution 86<sup>th</sup> Amendment Act, 2002 the amended Article 45 provides that the State shall endeavor to provide early childhood care and education for all children they complete the age of 6 years. According to Article 46 the State shall promote with special care the educational and economic interest of the weaker sections of the people, and in particular, of the

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<sup>6</sup> John F. Kennedy: "Special Message to the Congress on Education." February 20, 1961. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. Available at <<http://www.presidency.ucsb.edu/ws/?pid=8433>> (accessed May 1, 2015). John F. Kennedy was former XXXV President of the United States: 1961 – 1963.

<sup>7</sup> Article 41 of the Constitution of India 1950.

<sup>8</sup> *Ibid.*, Article 45.

Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.<sup>9</sup>

Though Part IV of the Constitution directs the State to act within a timeframe but does not give any enforceable right to citizen. Collectively, these Articles command the State to provide an educational atmosphere within the limits of its economic capacity and development within ten years from the commencement of the Constitution. Also the right to free and compulsory education to all children until they complete the age of 14 years and promotion of educational interest of scheduled castes and scheduled tribes and other weaker sections were assured as directive principles of state policy. Article 15(1) provides that, the state shall not discrimination against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them, and sub-clause (3) of this article provides that, nothing in this Article shall prevent the State from making any special provision for women and child. Therefore, it may be concluded that our constitution makers intended that every child should have an opportunities for education until the child completes a particular age thereafter his education would be circumscribed by the limits of the economic capacity of the States.<sup>10</sup>

#### **CHARACTER OF JUDICIARY:**

Upon executive's failure to implement of Constitutional mandate of Article 45, the judiciary stepped into the shoes. Judiciary did so indirectly, by arguing that civil and political rights, which are fully protected by the Constitution, are worthless without the resources necessary to exercise them.<sup>11</sup> Right to education was held for the first time a fundamental right by Delhi High Court in *A. V. Chandel v. University of Delhi*,<sup>12</sup> In this case the Court has observed that the law has now settled that the expression 'life and personal liberty' in Article 21 of the Constitution includes a variety of rights, though they are not enumerated in Part III of the Constitution, provided that they are necessary for the full development of the personality of the individual. The right to education is, therefore, also included in Article 21 of the constitution.

The education is a natural right; because the declaration of human rights looks upon education as a fundamental right. Article 41 that the directive principals of the state policy

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<sup>9</sup>*Ibid.*, Article 46.

<sup>10</sup> *Ibid.*, Article 15(1) and (3).

<sup>11</sup> *Supra* Note 3.

<sup>12</sup> *Anand Vardhan. Chandel V. University of Delhi, AIR 1978 Delhi 306 at 314.*

talks of 'right to education' originally right to education was put in the draft part III of the Indian Constitution, but later transferred to the part IV of the Indian Constitution, because the former were more easily enforceable than the later. Article 21 provides protection of life and personal liberty. Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.<sup>13</sup> The next jurisdictional proclamation in this direction was that of Karnataka High Court in the case of *Bapuji Education Association v. State*<sup>14</sup>, this case is basically on the minorities' rights, but this important statement is delivered by the court. In this case the court has prolonged the delineations of personal liberty guaranteed by Article 21 of the Constitution to the extent that it includes in its ambit the right of the minorities to education. In another case, *Bijoe Emmanuel*<sup>15</sup> three students, being Jehovah's Witnesses, objected to being obliged to sing the national anthem. They were expelled from the school, on behalf of the administrative orders of the state's educational authority. The Supreme Court revoked the expulsion order and restored back the admission of the students in the school.

The right to education for the first time got attention of the Supreme Court in *Mohini Jain vs. State of Karnataka*<sup>16</sup>, while deciding issue of capitation fee in educational institutions in Karnataka, the Court held that the right to life under Article 21 and dignity of an individual couldn't be assured unless accompanied by the right to education.

In the next year in *Unnikrishanan J. P. vs. State of Andhra Pradesh*<sup>17</sup>, the Supreme Court held that the citizens of this country have a fundamental right to education but this right is limited up to 14 years of age. The Court explained that the right is however not an absolute right. Its content and parameters have to be determined in the light of Article 45 and 41. In other words, every child of this country has a right to free education until he completes the age of 14 years. Thereafter his right to education is subject to the limits of economic capacity and development of the State. The significant aspect of the *Unnikrishanan J. P. case*<sup>18</sup> has been that the Court pronounced the doctrine of implied fundamental rights. The Court asserted that in order to treat a right as fundamental it is not necessary that it should be

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<sup>13</sup> *Ibid.*,

<sup>14</sup> *Bapuji Education Association V. State, AIR 1986 Karnataka, 129.*

<sup>15</sup> *Bijoe Emmanuel & Ors V. State of Kerala & Ors* [1986] INSC 167 (11 August 1986) Available at <<http://www.advocatekhoj.com/library/judgments>> (accessed May 1, 2015)

<sup>16</sup> *Mohini Jain vs. State of Karnataka, AIR 1992 SC 1858.*

<sup>17</sup> *Unnikrishanan J. P. vs. State of Andhra Pradesh, AIR 1992 1993 SC 2178*

<sup>18</sup> *Ibid.*,

expressly started in the Constitution as a fundamental right. Political, social and economic changes arising in the country may entail the recognized of new rights and the law in its external youth grows to meet social demands.<sup>19</sup>

### **SITUATION AFTERWARDS 86<sup>TH</sup> AMENDMENT ACT:**

The Constitution of India guarantees free and compulsory education to all children between the age group of 6 to 14 years. The government of India has enforced the Right to Education Act, through which education has become the fundamental right of all children up to age 14 years. Yet India legal news reports highlight another incident of violation pertaining to this fundamental right. Whether we accept it or not, recommendations, hefty donations and social clout play an important role in today's school admission system, across cities. Now we can see after Mohini Jain<sup>20</sup> & Unnikrishanan J. P. cases<sup>21</sup>, the process of realizing right to education got augmented. In this regard, mention may be made of the two important commissions on education, first was Report of Kothari Commission<sup>22</sup> and second was Report of Saikia Committee<sup>23</sup>. Both Commissions had recommended that schooling should be made compulsory for all children. In furtherance of the recommendations of both Committees, a constitutional amendment bill was introduced in the parliament in 1997 and bill acquired the Statues of an 86<sup>th</sup> Amendment Act<sup>24</sup>, subsequent to considerable internal and external pressure. This Act provides three<sup>25</sup> pullouts/dimensions in the Indian Constitution, there are as follows:

1. The insertion of Article 21-A, which provides that the State shall provide free and compulsory education to all children of the age of 6 -14 years in such a manner as the State may by law determine.
2. An amendment to Article 45, that is provision for early childhood care and education to children below the age of 6 years, the State shall endeavor to provide early childhood care and education for all children until they complete the age of 6 years.

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<sup>19</sup> Jain M. P., *Indian Constitutional Law - Vol. I* (Nagpur: Wadhwa Publications, 2003).

<sup>20</sup> *Supra* Note 16.

<sup>21</sup> *Supra* Note 17.

<sup>22</sup> Raghuram, R.K., "*Recommendations of Kothari Commission*" (New Delhi: Crescent Publishing Corporation, 2009).

<sup>23</sup> Government of India, Report: *Saikia Committee Report* (New Delhi, Ministry Of Human Resource Development, Department Of Education, 1999).

<sup>24</sup> The Constitution (Eighty-Sixth Amendment) Act, 2002 (12th December, 2002).

<sup>25</sup> *Ibid.*, Inserted new Article 21A, 45 and 51-A(k).

3. In Article 51-A, after clause (j), the following clause (k) has been inserted: “a parent or guardian shall provide opportunities for education to his children or ward between the age of 6 -14 years.”

Therefore finally Article 45 of the Constitution has been given a new life. However Article 21-A is without the spirit of article 45 of the Constitution because the earlier it Article 45 envisaged the right to education “for the children until they complete the age of 14 years” whereas Article 21-A has provided the right to education only “to all children the age of 6-14 years”<sup>26</sup>. The Constitutional 86<sup>th</sup> amendment Act has failed to recognize that the age of 3-5 years of children. The age period of children 3-5 years is very essential from the point of view of mental growth of the child. It is right chief age of mental as well as physical growth of children.<sup>27</sup>

The ability of Article 21-A is directory in nature. It is difficult to understand that up to 6 year of age right to education has not been given the status of fundamental right rather it is in the shape of directive principles of state policy and word acquire the status of a fundamental right only after the child attains the age of 6 year; whereas the fact is that the fundamental rights, if they are really fundamental rights, are acquired by birth, and not subsequently.

Article 21-A has provides full fundamental guarantees of free and compulsory education to all children in the age group of 6-14 years, in such a manner as the state may, by law, determine<sup>28</sup>. The 86<sup>th</sup> Amendment Act 2002 making elementary education a fundamental right and its consequential legislation. To enforce Article 21-A parliament has enacted, the RTE Act, 2009<sup>29</sup>. The Act came into force 1 April, 2010<sup>30</sup>. Therefore now we have reached a historic milestone in our country’s struggle for children’s right to education.

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<sup>26</sup> *Supra* Note 24

<sup>27</sup> The Constitution (Eighty-Sixth Amendment) Act, 2002 (12th December, 2002) has not provides free and compulsory education of 3-5 years of children. It is very important age of mental and physical as point of view well as physical growth of the child.

<sup>28</sup> Article 21-A, as has been inserted by the Constitution (86<sup>th</sup> Amendment Act 2002). The Act enacted by Constitution (Eighty-Sixth Amendment) Act, 2002 (12th December, 2002 after the *Unnikrishanan J. P. vs. State of Andhra Pradesh*, AIR 1992 1993 SC 2178.

<sup>29</sup> The Rights Of Children To Free And Compulsory Education Act 2009 (Act 35 Of 2009).

<sup>30</sup> Received the assent of the President on the 26<sup>th</sup> August, 2009 and Act Published in the Gazette of India (Extraordinary) Part II Section 1 dated 27-8-2009 Pages 1-13.

The RTE Act has provides, the every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education<sup>31</sup>. The Act has also provides for 25% reservation for students of disadvantaged groups and of economic weaker section of society in admission to class 1 in all private schools excluding the unpaid minorities` schools`. It ensure reimbursement by the government to these unaided schools, based on per child expenditure incurrd towards admitting these students<sup>32</sup>. The Act provides that No child admitted in a school shall be held back in any class or expelled from a school till the completion of basic education<sup>33</sup>, and No child shall be subjected to physical punishment or mental harassment of a child is prohibited<sup>34</sup>.

This Act aims to provide free and compulsory education to children belonging to the weak and disadvantaged sections of the society. A recent incident of expulsion of a child from school has highlighted the issue of corporal punishment in schools. The incident involves a young boy's expulsion from school and the humiliation which caused the student to commit suicide. An investigation was ordered by the State in order to stop such incidents in future. Such investigations continue to be announced but it does little to motivate parents or children when issues like these arise.

#### **IMPLEMENTATION OF ARTICLE 21-A Vs. RTE ACT 2009:**

In order to implementation of the new fundamental right Article 21-A, the central government passed the RTE Act 2009, which has been amended<sup>35</sup>. Though the meaning of constitutional amendment is clear, Section 3 and 12 of the Act compels private educational institutional along with aided and government school to provide free education and to reserve 25% of the total seats for the same. However, the school will be reimbursed the expenditure incurred for providing such 25% reservation. Thus there is mandate on the unaided schools to admit the students without collecting fee; the same would be reimbursed by the government which amount to cross subsidization. Even though the fee part has been taken care of by the RTE Act, the unaided institutions are not ready to comply with the legislation. As the result, constitutional validity of the Act has been challenged in the Society for Un-Aided Private

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<sup>31</sup> Section 3 of The Rights Of Children To Free And Compulsory Education Act, 2009 (Act 35 Of 2009).

<sup>32</sup> *Ibid.*, Section 12.

<sup>33</sup> *Ibid.*, Section 16.

<sup>34</sup> *Ibid.*, Section 17.

<sup>35</sup> The Rights Of Children To Free And Compulsory Education (Amendment) Act 2012 (Act 30 Of 2012).



School of Rajasthan vs. Union of India & Anr.<sup>36</sup>; however, the Supreme Court held that the Act is constitutional validity.

This Landmark, Historical Judgment on RTE by Honorable Supreme Court of India made a good law for the poor citizens of India, but profit making people did not like this. The court had reserved its verdict on August 3, 2011, upheld the validity of provisions of the law that made the Right to Education a fundamental right of children in the age group of 6 to 14 years. The Right to Education law was brought by introducing Article 21-A in the Constitution which says the state shall provide free and compulsory education to all children between six and 14 years in such a manner as the state may, by law, determine. Supreme Court upheld the constitutional validity of Section 12 [1] (C) of the right to education (RTE) act that provides 25% reservation for students from weaker sections of society. The Court upheld the constitutional validity of the Right to Education Act, 2009, which mandates 25% free seats to the poor in government and private unaided schools uniformly across the country. The benefit of the about law will be enjoyed by children from age 6 to 14, or from Class 1 to 8.

#### **METHODOLOGY:**

The methodology of this paper is purely base on the doctrinal, analytical and descriptive methods. Besides these methods, some other methods have applied according to the need of study. The analytical process has applied for the legal provisions and policies. Where the things are of introductory and observational, the method to be applied will be descriptive. The information has gathered using secondary sources of data. In his context various legal provisions, national and international documents, reports, articles, journals, judicial decisions, books, internet magazines and mass media reports and other similar source of data related to the need of prospective study have analyses.

#### **CONCLUDING, OBESERVATION & SUGGESTIONS:**

Education is the most powerful weapons which we can use to change the world. But this is possible only if we look at all the loopholes of our education system intensely and effort to remove the menace the illiteracy at the initially. In that situation only, RTE shall be

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<sup>36</sup> *Society For Un-Aided Private School Of Rajasthan vs. Union Of India & Anr.*, (2012) INSC.248 (12 April, 2012). Available at <<http://www.advocatekhoj.com/library/judgments>> (accessed May 1, 2015)

able to work in its true spirit and take away all the myths of the education system making more bright future of India.

It is submitted that though the judiciary has made right to education as a fundamental right yet it is for the State to secure it for all the people. Right to education is a fundamental right under Article 21-A of the constitution. It is beyond any doubt that education is a transcendental important and it has fundamental significance to the life of an individual and the nation. Without education, the human right cannot be secured to the people and the basic objective set forth in the preamble to the constitution would fail. Therefore, the crying need of the day is that elementary education should be compulsory and available free to all. I don't say that nothing is done towards realization of right to education in India but something more is necessary. The 86<sup>th</sup> Amendment Act failed to recognize that the period from 3-6 years is very crucial from the point of view of mental and physical growth of the child. It is the important age of mental as well as physical growth of the child.

The Rights of Children to Free and Compulsory Education (RTE) Act, 2009 has no provision for children below the age of 6 years. This age group of children is the prime target of play-schools, but is lacking of the protection of the RTE Act. Moreover, several studies on early childhood have shown that in the age group of 3 to 5 years, a child needs to be exposed to literacy-rich environment to enhance his literacy growth. When children who go to school for the first time after the age of 6 years face many problems in comprehension. Therefore, it is necessary that the ambit of the act is enhanced to include Early Childhood Education and its convergence with mainstream education.

Article 21-A of the Constitution provides guarantees free and compulsory education to all children between the age group of 6 to 14 years on one hand, but the RTE Act is also silent on the age of admission to class 1 on other hand.

The RTE Act, 2009 does not go beyond the age of 14 years of the child. The upper limit of 14 years was probably appropriate in 1950 but not any longer. With the governments contemplating abolition of board exams for class 8<sup>th</sup> and class 10<sup>th</sup>, the only time a child is likely to be subjected to external examination will be at the level of class 12<sup>th</sup>. Thus, there will be difficulty in certification of the child at the age of 14 years. Moreover, some states are already providing free education to girls and other disadvantaged sections of the society till 12<sup>th</sup> class.

There is other most important limitation of the Act is continuance of the old-style trauma on inputs without adequate attention to results. While ensuring that every child who goes through the elementary education system gets a certificate of completion, the Act fails to guarantee that a child has acquired sufficient knowledge as well; no standards are set for monitoring and measuring learning outcomes, a case of guaranteeing graduation but not education. The child may go to any number of years to school, but if some basic minimum learning is not achieved, then questions need to be posted on the whole effort.

The RTE Act, 2009 has mandated that after three years, only recognized institutions with certain minimum infrastructure will be allowed to function in the country. Schools will have to have the minimum teaching personnel, at least one classroom per teacher and a playground. The stringent conditions will result in a large number of unrecognized schools as also aided schools being closed down. It is because of the poor quality of learning in government schools that parents with even limited means choose to put their children in low-cost private schools, which may not be all that good either.

The new law in its present form requiring them to have a good building and a playground and to pay prescribed salaries to trained teachers will make this low-capital, low-cost schools impossible to survive. These schools have been filling in for the non-existent government schools. It is estimated that out of 12 lakh schools in the country today, almost a fifth are unrecognized. Considering the fact that between 35 million to 60 million children are not in schools, if the number of schools comes down, as it certainly will, due to closure of unrecognized schools, the national goal of ensuring universal literacy would suffer a huge hindrance.

Whereas the private aided and unaided private schools face a serious threat of de-recognition, the process of ,attaining recognition for government schools is not prescribed. The Act does not define the course of action that the government schools will have to face, in case of failure to comply with minimum norms for quality. There does not appear to be any penalty on the government for failing to meet its obligations.

Although at present the shortage of teachers is one of the greatest obstacles facing the implementation of the RTE Act. According to an estimate of the Ministry of Human Resource Development (MHRD), about 5 lakh additional teachers, are required to be recruited. However, the capacity of the teacher training system seems to be woefully short. More than the numerical shortage, the quality of teaching manpower needs to be addressed. The poor quality of teachers is the prime adverse factor affecting the spread of literacy in

India. The RTE Act draws no attention on the existing short comings of the institutional structures for teachers' training and innovation. There should be more clear and strict provisions for building and augmenting the capacity of the educational support structures like the State Councils of Educational Research and Training (SCERTs), State Institutes of Educational Management (SIEMATs) and District Institutes of Educational Training (DIETs). Formation of a separate cadre of these organizations would greatly contribute towards professionalizing teaching.

It is necessary to establish the modalities through which rights under the act are to be protected and violations are to be dealt with i.e. a system of registering, investigating and responding within a well-appointed time frame. Today, even after five years of the act being implemented, this system does not exist in many states. There is no designated authority for grievance redressal at the inhabitation level. Only eleven states have set up State Commissions for the Protection for the Child Rights and Right to Education Protection Authorities. The Act puts maximum responsibility on the State but there is no system of individual accountability in case of default. Interestingly, though it is the duty of the parents to admit their children to the school, the Act does not state the legal consequence of parents not following their duty. The issues due to which parents fail to admit their children to school have also not been addressed.

In India School education is alike blank blackboard on which the teacher writes with invisible ink. Now a days more children going to school today than ever before, but they are learning and getting less knowledge in comparison of before. The school enrolment increasing enrolment does not add up to better education. The more challenging job is to retain those who enter school. Here the government has failed as the dropout rate in higher classes continues to grow.

The problem of poor quality of learning due to the poor quality of teacher training has been addressed by several other studies and the government has also taken note of it by earmarking funds in the Twelfth Five-Year Plan to address this issue. Subsequently in the light of the challenges discussion earlier, following are some suggestions which may be helpful to meet the challenges:

- Right to education should be right education likely; quality education.

- The state governments are required to show promptness for the implementation of the RTE Act, the state who has not yet released any notification regarding the Act must do it without any further delay.
- The central government should impose a time limit to release funds to the states. If any state government still shows indifference to release notification, then no funds should be released by the Centre to the state for the establishment of new schools. State governments should show full commitment for the implementation of the Act.
- To meet increasing demand of qualified and trained full time teachers, the teachers in required number must be recruited at the earliest. Pupil-teacher ratio must be maintained as per requirement. As more and more children move into the primary school age group, it becomes needful to build more and more school and recruit more teachers for sustained improvement in the quality of education.
- RTE Act 2009 should be amend and include the age group of 3 - 6 years.
- There is urgent need to amendment the RTE, Act for inclusion of four more years that is from 9<sup>th</sup> -12<sup>th</sup> class in free and compulsory education.
- The age group of 6 – 14 years should be increase and decrease from 3 – 18 years for free and compulsory education.
- The optimum age for the right to free and compulsory education should be same as the age of right to vote (18<sup>th</sup> year), age of majority, right to work and right to marriage, etc.
- Special training should be given to a child who require for completion of elementary education.
- The school management committee should also be established in unaided private schools to safeguard the children who are from weaker sections and disadvantaged groups.
- Those parents, who fail to admit their child to a school for obtaining elementary education, should be debarred from availing total government facilities like as ration card, water facility, electricity facility, LPG gas facility, job card facility, etc.
- The elementary education pattern of all government aided and unaided private schools should be nationalized under the RTE Act.

- The right of transfer to other school, a child should be allowed to seek transfer to any unaided private school also from any other school for completion of his elementary education.
- The primary schools need to be made aware of the provisions made for 25% seats for the economically, socially weaker sections and disadvantaged groups of children of the society and the role of school managing committees in this regard.
- The teachers' performance of the most challenging input in field of right to education. Well qualified and highly motivated teachers are the key to effective implementation of the curriculum. They give incentive to the teaching learning process.
- The State should also clearly impose the fees for a child in unaided schools for obtaining elementary education. Otherwise the private unaided school management would fix the fee arbitrarily and exorbitantly.
- There is need to streamline educational administration. The pace of implementation of the RTE Act 2009 can become faster if bottlenecks in administration are removed. Altogether, it is essential to adopt an integrated approach and establish linkages between education and other related areas such as child care, nutrition and health. Each state should formulate a 'state programme of action' and each district and school should formulated a programme of action of its own by taking into account the state programme of action.

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