



Political Will and Right To Education : An Analytical Over View

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KEYWORDS :

State patronage to institutions and individuals imparting education dates back to ancient period but formal education, till industrial revolution, was privilege of elites. With industrial revolution, the growing demand for industrial workforce became catalyst of expansion education in industrialized countries in the latter half of the nineteenth century. But in developing nations, no such economic transformation was in vogue. Educational development became a public policy concern only after liquidation of colonialism in the second half of twentieth century. Although as we see in the subsequent section in India during freedom struggle national leadership was repeatedly raising the voice to make public provision of education. Not only this many bureaucrats of colonial government was also of the view that at least basic education must be the responsibility of government. But as we will see the lack of political will and apprehension of losing privileges prevented the elites to mount pressure on government to enact such laws. Only one instance is suffice to bring this point home. Maharaj of Dharbaha put a tough opposition to Gopal Krishan Gokhale in imperial council when Gokhale introduced the bill for free and compulsory basic education. The main argument of Maharaja Dharbaha was, the free and compulsory education will result in shortage of labour to work in fields and factories

The International Pledge to Education Rights

Chronologically, back in 1833, Factory Act of United Kingdom(UK) made it mandatory to the factory owners that their child worker get regular education either in the school run by the factory or elsewhere and by 1880 U K made general education compulsory. However, Prussia (part of present Germany) is the pioneer to launch programme to ensure Universal Elementary Education. In 1871 it made education for every child free and compulsory. The State of Massachusetts (USA) long back in 1852 made education compulsory and till 1918 every state of USA had provision of compulsory and free education (*Dickson, Janet R, Berry B. Hughes, Mohammad T Ifran 2010 p11*) In Japan the period of Meiji Restoration (1868 to 1912) great social, political and economic changes took place and in this process elementary education was also made compulsory. Gradually many more countries joined this club of nations which ensure free and compulsory elementary education to each and every child. And before the end of 19th century elementary Canada, Australia, Italy, New Zealand, France, and Japan made elementary education compulsory. (*Clemens A Michael 2004*). The movement for compulsory and free elementary education further got momentum and international reorganization in 1920, when International Labour Organization rallied behind the demand. Eventually the right to education was recognized as human right in the Universal Declaration of Human Rights in 1948 by United Nations Organization (UNO). **The Article 26 of the United Nation (UNO) declaration of Human Rights (1948) states that 'elementary' education shall be free and compulsory**, and that the higher levels will be equally available to all on the basis of merit. Theses concern for educational development has no parallel in the history of human civilization. There have never been such a strong urge for education – **not only an instrument to learn skill to improve the material prospects but also for intrinsic reasons** – associated with human dignity and pride (*The Inter-Agency Commission UNO, UNESCO, UNICEF, WORLD BANK for the World Conference on Education for All 1990*)¹. However in this context, the international experience need to be underlined that in those countries which are left behind in public provisioning of elementary education private sector or market endeavour to fill the void, England, Southern States USA are its examples. It took long for education to

become universal and compulsory in these countries too. In fact it did not happen until the state actually intervened and undertook to develop a state financed school system" (*Mehrotra Santosh 2006 p13*)

In the latter half of the Twentieth Century the world community under the aegis United Nations Scientific and Cultural Conference (UNESCO) – made *three decisive moves* to achieve the objective of Universalization of elementary education(UEE). In Sixties in the regional conferences of Asia(1960), Africa(1961) Latin America and Caribbean(1962) and Arab States (1966) resolved to achieve universal elementary education(UEE) by 1980. Though these regions made substantial progress but none could achieve the objective of UEE. The urgency to achieve universal elementary education again got reflected in United Nations Convention on the Child Right in 1989. Article 28 of the document of this convention signed by one hundred and ninety states, makes it obligatory to governments to ensure primary education to all children.

Taking stock these situation, the world community made, **second important move** in nineties with the (first) World Conference on Education for All, held at Jomtien, Thailand, 5-9 March 1990. The conference looked at elementary education, **as a human right and equally important a pre-requisite for sustainable development of societies**, whether rich or poor. The conference culminated in a resolve by 155 participating governments, that " basic education should be provided to all children youth and adults" (article 3 of the declarations) and serious efforts will be made to reduce adult illiteracy by the end of the decade. This resolve later was reiterated in various international meetings and conferences devoted to any of the issue concerning children, human rights, development, women, environment and population.²

Third important mile stone that reflects the commitment of world community to ensure Education for All, became apparent in (second) World Conference on Education for All, Dakar Senegal, 26-28 April 2000. This conference, re-affirmed, the vision and commitment that world community reflected and made at Jomtien in 1990³ and underlined the urgency to achieve the goal of education for all. The conference evolved Framework for Action, which inter-alia resolved to ensure that by **2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality**. The frame work also resolved that by 2005 gender disparities in primary and secondary education will be eliminated not only in term of access but also in quality of education. Underlining the urgency to achieve education for all this conference resolved that "Education is a fundamental human right. It is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the twenty-first century, which are affected by rapid globalization. Achieving EFA goals should be postponed no longer. The basic learning needs of all can and must be met as a matter of urgency." (*UNESCO 2000 p.8*) This conference resolved to attain six objectives to ensure education for all. These goals besides, ensuring that by 2015 all children have access to, free and compulsory education of good quality in terms of clearly recognizable and measurable learning outcomes and expansion of early child care and education also set target to improve the adult literacy.⁴

The resolve of world community to ensure education to all is also apparent from the fact that **United Nations General Assembly in 2000, incorporated the EFA aims of universal primary education and gender parity into two of the eight Millennium Development Goals (MDGs) for 2015.** Thus across the world there is consensus that education is a human right and without accelerated progress towards education for all, the other development goals like reduction of poverty and inequalities of income and others like that of gender, development partnership among nations, environmental sustainability and eradication of diseases like AIDS /HIV and Malaria will be difficult. Therefore, it is recognized as an imperative for national government **to create a legal framework to monitor the right to education (UNESCO 2002).**⁵ The matter of fact is that those states that have ratified all international treaties which guarantee free and compulsory primary education to all children, without any reservations, do not necessarily repeat this commitment in their constitutions.

To realize the goal of Education For All, researchers have established that strong political resolve at national and international level is required and also have conclusively established that poor the countries low the human rights records to which right to education is not an exception (*ibid p 22*)⁶ The other important lesson that world has learnt by experience specially from the 1990s crises that **economic growth is not enough to ensure investment in education**, if adequate strong safety nets are not in place when crises hit, malnutrition and school dropouts increase, potentially leading to the loss of an entire generation (**International Bank for Development and Reconstruction/ World Bank 2010 Foreword**) As things stands, region wise, almost every country has some legal provision of compulsory primary education and 72 percent countries have compulsory upper primary education, with a range of 29 percent (Sub-Saharan Africa) to 100 percent countries of Central Asia and East Asia and Pacific. In other words three fourth countries of the world have some legal guarantee of elementary education. However, still much is to be done specially at upper primary level, as 70 percent countries in Sub-Saharan Africa and 56 percent countries in South and West Asia still do not have any legal guarantee of education, and majority of the out of school children are in these two regions.

The Indian Experience

India has rich history of education development from ancient tradition of oral learning of Vedas to the modern universities and other institutions of super specialized learning but the .. biggest shortcoming of the system was, education was by and large confined to privileged section of the society tive way to promote elementary education.

The modern (secular) education in India, was **initiated by British by Charter Act 1813, which directed** East India Company to spend Rs 1 lakh annually to educate people of India. The Governor of the three presidencies –Calcutta, Madras and Bombay, which could be considered akin to provinces, on their own took initiatives to promote education. In 1833 this situation, with the appointment of Governor General of India changed completely. The General Committee on Public Education of the company was debating for a long about education in India –specifically to evolve a common medium to communication between government and the large number of people. There was an influential section of orientalist in the company including James Prinsep, William McNaghten and H.H Wilson, who was of the opinion that with the help of **Sanskrit, Indian languages could evolve, to the level of common or national language of India and modern education could be imparted to the masses in Indian languages**. However, an influential section of company's officers led by Thomas Babington Macaulay and supported by strong and very vocal section of Indian intelligentsia carefully nurtured by Raja Rammohun Roy have opposite point of view. This move of Macaulay finally culminated in **Wood's despatch**, sent to Lord Dalhousie, the Governor General of India, in 1854. The recommendation of Charles Wood, inter-alia establishing universities on the pattern of London university in big cities, and at least one government school be opened in every district and affiliated private schools should be given **grant-in-aid** also included the recommendation that "the Indian natives should be given training in their mother tongue". It also recommend-

ed to create structures for educational governance by establishing education department in every province and appointing series of lower level officers and deputing them to visit schools. After few years, on 1859, the recommendation of **Stanley's dispatch, local Cess Act was were passed by different provinces which by cess on land revenue was imposed at local level.**

However, **till 1881 in India there was no systematic policy of mass education.** In 1882-83, the first Education Commission in the history of modern India, popularly known as Hunter Commission was constituted which emphasized that the government should take special care to propagate and improve primary education, as the objective of primary education is necessarily to educate masses and hence it should be provided in the vernacular language. The commission recommended that the power of controlling the entire system of primary education should be transfer to the district and the Municipal Boards. The commission also suggested to encourage private participation in schools and recommended the extension and liberalization of the grants in aid system, recognition of the aided school as equal to Government institutions in matters of status and the privileges. In 1903 Lord Curzon took some measures to reform the grant-in aid system, reformed curriculum an also initiated training of primary school teachers (**Khadelwal and Muhmita Banhopahyay 2010 p6**)

These decisions over period of time has created a class of Indian possessing good authority on English, which is for all practically purposes is an international language. This undoubtedly gives a competitive advantage to India in various sphere. But it also a fact that these decision to favour English and the **tall claim of Lord Macaulay that the English educated class will be vehicle to convey knowledge to the great mass of the population, proved unrealistic instead it segmented the Indian Education system.** This system superimposed upon an already inequitable system has further accentuated inequalities persisting in the society. However during British regime, more than the government efforts the philanthropic institutions, social reforms and nationalist feelings helped to spread education. But educational development of the country was abysmally low, as in 1901 literacy was just 5 percent which rose barley to 10 percent in 1941 and just after independence as per the census of 1951, the literacy in India was little more than 18 percent and only around 40 percent children of 6-11 years of age group were enrolled in school.

The issue of universal elementary education was on agenda of national leadership even during the heat of freedom struggle, as it drew outlines of the education policy that Independent India would follow. In 1870 England passed Compulsory education law consequently demand for the same was raised in India but on this and that pretext government had a dismissive attitude. However to show British a way and let them know that free a compulsory education is not an utopian ideal, the native state of Badora, Travancore, Manipur etc passed the compulsory education law (**Juneja Nalni 2003 pp15-18**) However, it goes to the credit of Maharaj of Baroda who first time in India way back in 1893 introduced compulsory education in Amerli Talku for boys which he later in 1906 extend to his entire state. This act has provision of free and compulsory for girls of 7 to 10 years and boys for 7 to 12 years. (**Government of India Ministry of Human Resource Development, Department of Education 1997**) Gopal Krishna Gokhale made a fervent appeal to the Imperial Legislature Council of India, to make education free and compulsory and even moved a private resolution in 1910, which was rejected. While introducing the bill he mentioned that every civilized nation government must take the responsibility of mass education as well being of millions of people depends upon it. To quote, "I beg to place the following resolution before the council for its consideration.... the state should accept in this country the same responsibility in regard to mass education that the government of most civilized countries are already discharging and that a well considered scheme should be drawn up and adhered till it is carried out. The well being of million upon million of children who are waiting to be brought under the influence education depends upon it". However, Vithal Bhai Patel was the first person who got the first compulsory primary education law passed in India, in the Bombay Legislative Council in 1917. After this law popularly known as Patel Act by 1930 every state of India had compulsory education law in its statute book. (

Juneja Nalni 2003 p18) In 1937, the Congress Ministry assumed responsibility of administration in seven major Provinces of India **Government of India Ministry of Human Resource Development, Department of Education 1997.** In October 1937, to guide these provincial governments in matter related to education an **All-India National Educational Conference was summoned at Wardha which was presided by Mahatma Gandhi.** This conference suggested that free and compulsory education should be provided for seven years on a nation-wide scale and medium of instruction should be the mother-tongue. That the conference endorsed the proposal of Mahatma Gandhi that the process of education throughout this period should centre around some form of manual and productive work. The conference appointed a committee 'with Dr. Zakir Hussain as its chairman. The Committee submitted its report on December 2, 1937 and suggested that learning basic craft must be the central to education process. In 1944, the Central Advisory Board of Education, of Government of India, (which was constituted as early as in 1921), submitted a comprehensive Report on Post-War Educational Development. This report, popularly known as the **Sargent Report, suggested universal, compulsory and free education for all children of 6 to 14 years** After Independence, the cherished aspiration of Universalization Elementary Education, got reflected in the Constitution as the Directive Principle of State Policy (article 45) declaring that "the state should endeavour to provide, within ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen." Immediately after the adoption of the constitution in 1950, the First Five Year plan (1950-51 to 1955-56) was launched the plan also took note of the grim situation of education and literacy – specially of the neglect of primary education it stated that "only 34 percent of the direct expenditure on education is spent on primary education whereas as a sound and properly proportioned system of education requires that major share of this expenditure should be incurred on primary education. Expressing grave concern about rural urban divide and neglect of rural area in education development the plan stated that "whereas 82.2 percent population live in rural areas the percentage number of pupil in recognized primary, middle and high schools that were studying in rural areas in 1949-50 was 60,67 and 26 respectively. The respective percentage in 1937-38 was 82,72 and 28" The plan states that despite expenditure on education was increasing the share of rural areas in the year 1937-38 was 36 percent which declined to 30 percent in 1949-50. (**Government of India, Planning Commission 1951, First five year Plan Chapter 33 Education**) However soon it was realized that "owing to non-availability of funds, it would not be possible to reach the goal set out in Article 45 of the Constitution within the prescribed period". Thus despite the commitment of national leaders of universalization of elementary education (UEE), UEE for about four decades in Independent India was a pious intention. It is only after Supreme court of India proclaimed in 1992 that the state's failure to provide education for all children was tantamount to denial of the fundamental right to life as enshrined in Article 21 of the Constitution. In a judgment the court observed "the effect of holding that right to education is implicit in the right to life is that the state cannot deprive the citizens of his right to education except in accordance with the procedure prescribed bylaw". The court ordered that the state must provide free and compulsory education to every child of 14 years of age". Almost after a decade in 2002 the 86th Amendment Constitutional Amendment made elementary education a fundamental right of every children of 6-14 years⁹. Government took seven long years to make Right to Education, judiciable. Eventually in the budget session of Parliament in 2008 government introduced the Right to Education (RTE) Bill which finally took the shape of RTE Act 2009 and came in enforce from 1st April, 2010. RTE Act-2009 in no uncertain terms has made it responsibility of state to ensure that no child is denied education for any reason may be financial, distance or physical challenge. It is the responsibility of government to take care of these issues and provide schooling facility to children in neighbourhood.⁹ The Act has been admired for its flexibility, comprehensiveness and inclusiveness by making it mandatory for private schools to admit 25 percent students from the poor of neighbourhood. The implementation of Right to Education Act is a legal obligation on the state to enrol each an every child of 6-14 years in neighbourhood school. The basic issue implementing in the RTE letter in spirit it to activate the state governments which has to share the major responsibility. However, there are other covert and overt lapses that

raises doubts about the efficacy of the act.

(Endnotes)

1 End Notes

Taking stock of the progress in ensuring education as human right the back ground document for World Conference for Education for All, 5-8 March Jomtien 1990, Thailand noted that on the threshold of the 21st century, various challenges like apprehension of economic stagnation, war, civil strife, widening disparities within and among nations "have the potential to constrain the development of individuals and even whole societies, and are already retarding the ability and willingness of governments, non-governmental organization, communities, families, and individuals to support new investments in basic education, the very foundation of human development" However the document has also underlined the fact that "fortunately, the present time also presents a unique opportunity to redress this situation"..... There is a growing consensus that human development must be at the core of any development process; that in times of economic adjustment and austerity, services for the poor have to be protected; that education — the empowerment of individuals through the provision of learning—is truly a human right and a social responsibility. Never before has the nature of learning and basic education been so well diagnosed and understood in its psychological, cultural, social and economic dimensions (*The Inter-Agency Commission (UNDO, UNESCO, UNICEF, WORLD BANK) for the World Conference on Education for All 1990 p1*).

2 Some of the international conferences that dwelt on child right to education in the last decade of twentieth century includes World Summit for Children (1990), the United Nations Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the World Conference on Special Needs Education: Access and Quality (1994), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the Mid-Term Meeting of the International Consultative Forum on Education for All (1996), the Fifth International Conference on Adult Education (1997), and the International Conference on Child Labour (1997).

3 In the year 2000 that more than 113 million children had no access to primary education, 880 million adults were illiterate, gender discrimination continues to permeate education systems, and the quality of learning and the acquisition of human values and skills fall far short of the aspirations and needs of individuals and societies

4 The six goals includes (i) expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children; (ii) ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality; (iii) ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programmes; (iv) achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults; (v) eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality; (vi) improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills. (**UNESCO 2000** pp 15 to 17)

5 Commenting on the Right to Education, UNESCO states that "As with other human rights, providing for people's right to education is an obligation of governments, because markets, or charity, are insufficient to secure their implementation Accordingly, this approach places major responsibility for ensuring service delivery and monitoring on governments, underpinned by accountability to the national and international instruments of human rights. Such an approach in turn assumes that governments have translated international obligations into national legislation against which citizens have recourse. This is often not the case. Without legislation it is difficult to enforce obligations and lessen the incidence of their violation." UNESCO (2002)

6 K. Tomaševski (2011 p22) has mentioned that despite the issue of political will, the issue of resources is also an important concern. Those countries whose tax revenue constitutes less than 10 percent of their GDP, it is often impossible to meet their human rights obligations corresponding to the right to education, or any other right for that matter.

7 Ms Mohini Jain v State of Karnataka and others, AIR 1992, SC, 1858, Unnikrishnan J P and others v State of Andhra Pradesh and others, AIR 1993 SC 2178.

8 This amendment made following three specific provisions in the Constitution of India

"The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine." This clause was inserted in as Article 21A in Part III (Fundamental Rights), The original Article 45 which promised that the state shall endeavour to provide free and compulsory education to until the age of fifteen was replaced by the clause which states "the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.". A new clause was added in Article 51A (Fundamental Duties) which makes the parent or guardian responsible to provide opportunities for education to their children. The clause reads "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." (**Government of India, Ministry of Law and Justice 2007 p11, p23, p25**)

9 The act has not defined neighbourhood but the **Model Rules Under The Right of Children to Free and Compulsory Act, 2009** suggested by Central Government, for classes I - V, a school shall be established within a walking distance of one km of the neighbourhood and in respect of children in classes VI - VIII, a school shall be established within a walking distance of 3 km of the neighbourhood. The model rules also suggest that in areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government/Local Authority shall locate the school in such a manner as to avoid such dangers and for this the area limit can be reduced further. The model rules also suggest that in case State Government/Local Authority for some reason cannot provide schooling facility in the neighbourhood and relaxes the distance norm shall make adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, in relaxation of the limits specified under (5) In areas with high population density, the State Government/local authority may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas. The Local Authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation within its jurisdiction. In respect of children with disabilities which prevent them from accessing the school the State Government/Local Authority will endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education. The State Government/Local Authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

References

- Clemens A Michael (2004) **The Long Walk to School : International Education Goals in Historical Perspective**, Washington D.C ,Center for Global Development. Originally prepared for as a background paper for the Millennium Project Task Force on Education and Gender Equity <http://ideas.repec.org/p/wpa/wuwpdc/0403007>. Retrieved on 3rd February, 2011.
- Dickson Janet R , Berry B. Hughes , Mohammad T Ifran (2010) **Advancing Global Education : Pattern of Potential Human Progress** , USA ,Paradigm Publisher
- Dreze Jeam and Amartya Sen, (2002) **India Development and Participation**, New Delhi Oxford University Press.
- Government of India , Planning Commission,(1951) **First five year Plan Chapter 33 Education**. <http://planningcommission.nic.in>. Retrieved on 6th April 2011
- Government of India, Ministry of Law and Justice(2007) **Constitution of India (As Modified up to 1st December , 2007.)**
- Juenja Nalini(2003) **Constitutional Amendment to Make Education a Fundamental Right : Issues for a follow- up legislation**, New Delhi, National Institute of Educational Planning and Administration.
- Khndelwal B.P and Madhumita Bandyopadhyay(2001) **Policy Issues in Education** in Rajput J.S , O.S .Dewal at el (edited) *Experiences in School Education*, New Delhi National Council of Educational Research and Training .
- Mehrotra Santosh (edited 2006) **"The Economics of Elementary Education"** New Delhi, Sage Publication.
- The Inter-Agency Commission (UNO, UNESCO, UNICEF, WORLD BANK)for the World Conference on Education for All (1990).**Back Ground Document World Conference for Education for All, 5-8 March Jomtien , Thailand** New York, UNICEF House.
- Tomaševski K. (2001) **Free and compulsory education for all children: The gap between promise and performance Right to education primers no. 2** Swedish International Development Cooperation Agency,(Sida) Gothenburg ,Novum Grafiska .A B
- United Nations Educational, Scientific and Cultural Organization (UNESCO -2006) Education for All Global Monitoring Report, *Oxford University Press U.K.*
- UNESCO (2010) **Education for All Global Monitoring Report 2010: Reaching the Marginalized**, *Oxford University Press, UK*
- UNESCO (2011) Education for All Global Monitoring Report 2011The hidden crisis: Armed conflict and education** , *Oxford University Press U.K.*
- UNESCO(2002), **Global Monitoring -2002 Report Education For All : Is the World on Right Tack** , *Oxford University Press U.K.*
- UNESCO(2009) **2010 Global Monitoring Report Reaching the marginalized Gender Overview Paper for Beijing + 15 Consultation**
- UNESCO-IIEP (2009). **Educational Marginalization in National Education Plans**. Background paper for EFA Global Monitoring Report 2010.
- United Nation (2000) United Nations Millennium Declaration . Text adopted by the General Assembly at the Millennium Summit , New York USA September 6 to 8 <http://www.un.org/millennium/declaration/ares5252e.pdf>
- United Nations Educational Scientific and Cultural Organization (UNESCO)(2000) **The Dakar Frame Work of Action Education for All meeting our Collective Commitment**, World Education for all Forum , Dakar Senegal 28 to 28 April 2000. France UNESCO.