



Inequality in Education: Violation of Right to Equality

KEYWORDS

Equality, Inequality, Right to education,

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ABSTRACT *Since equality is a "multi-dimensional concept", it has different kinds legal, social, political and economic. As an operative principle equality means that everyone should have equal right and opportunities to develop his or her own talent and personality. Therefore equality of opportunity means that all members of a society are given equal chance to enter any occupation or social class and will have an equal chance to compete for any place in the society. It has by now been well established that inequality is an artificial plan that ought to be eradicated. The present paper is an attempt to study inequality in opportunities of education and its impact through a case study of admissions to MBBS course at Pt. BD Sharma Post Graduate Institute of Medical Sciences Rohtak.*

Introduction:

The concept of equality is so intrinsically linked to the theme of rights, liberty, fraternity, and justice that it has become a multi-dimensional and dynamic concept. English political scientist Laski confessed that no idea is more difficult to define in the whole realm of political science than the concept of equality. Barker (1967) too expressed the same difficulty "equality is a Protean notion: it changes its shape and assumes new forms with a ready facility". Therefore, the term equality possesses diverse meanings and to great extent it is inevitable.

In Royappa case Justice Bhagwati (1974) has stated, "Equality is a dynamic concept with many aspects and dimensions and it cannot be cribbed, cabined and confined within the traditional and doctrinaire limits". In spite of the fact that it is a multi-dimensional concept absorbing implications of certain related themes like those of liberty and justice, it has been defined in the light of equal conditions guaranteed to each individual for making the best of him/her self.

Since equality is a multi-dimensional concept, it has different kinds ranging from its natural or moral variety, which is purely an ideal, to its legal, social, political or economic counterparts which are purely a realistic affair. This paper is confined to only one aspect of equality-Equal opportunity in education because education plays an important role in shaping individual's personality as well as the nature of society. We will create a society depending upon the type of education we provide to the individual as education is the backbone of the whole society. Education is not only a human right but also the key to many more rights and a key to break the cycle of poverty. "An individual cannot be assured of human dignity unless his personality is developed and the only way to do that is to educate him" (Kuldeep Singh 1992).

Impact of unequal opportunities of education:

The right to free and compulsory education is perhaps the most important of all the fundamental rights. Without education, it becomes extremely difficult to exercise other fundamental rights (Ashoka Kumar Thakur, 2008). Therefore inequality in education not only violates right to equality, life and development but is a great hurdle in the way of achieving aims and goals of the Constitution enshrined in the Preamble. We aimed at government of the people,

by the people and for the people, but in the absence of equality in education, it has become a government of few people, by the few people and for the few people. A true democracy is one where education is universal, where people can seek their best, understand what is good for them and the nation and know how to govern themselves. This vision of course can be developed through quality education. In fact, inequality in education is the constant hurdle in the way of bringing social justice. According to Justice Lahoti (2004), "without social justice, the Constitution would not be able to secure economic justice to the people. It is only such citizenry which has been able to secure social justice and economic justice for all its citizens that would deserve, claim and assert political justice for all its citizens". If one goes on the principle that social justice determines the extent of economic and political justice, then it implies that a necessary condition has to be created to secure social justice and equality in education as a pre-condition to secure the other forms of justice.

The glaring inequality in the quality of education offered by government schools and private schools is well known. Consequently, students graduating from these two types of schools have different standards of education. To seek admission for higher studies, it is very difficult for the students coming from government schools to compete with students who are educated in good private schools. Moreover, students seeking admissions in professional colleges, increasingly require further private coaching, which is again very costly. Therefore the students, whose parents can neither afford these private and costly schools nor coaching or private tuitions, fail to enjoy equal opportunity in admissions to higher education course. Thus, the quality of teaching that these students get in government schools and lack of coaching or tuitions becomes their handicap to compete to earn a place in the merit of entrance examination. This is one aspect of inequality in education but this inequality does not stop here, rather leads to further inequalities. Because of these inequalities, one fails to avail equal opportunities at the time of employment. When one does not have equality in opportunity to acquire a similar level of education i.e. qualifications, then how an employment opportunity can be termed "equal" simply by virtue of it being open to all applicants. If we take a look at the recruitment records of various educational institutions, we'll realize that better the institution, higher is the recruitment percentage and higher is the pay package. Even if we

take up the case of Indian Civil Services, there too the impact of inequality in education is proved (Vedpratap Vaidik (2014, August 2)

Poor standard of education in government schools and privatization and commercialization of education have made the right to equality in education a myth for the poor people. The end result of this inequality is that in the last 67 years of independence rich have become richer and the poor have become poorer; and thus power (knowledge) continues to be monopoly of selected classes of people (families). Economic inequality leads to inequality in education and inequality in education leads to economic inequality. Unless and until this vicious cycle is broken we cannot have equal society. United States Judge Sonia Sotomayor is of the view that, "Until we get equality in education we won't have an equal society". In fact inequalities in education have far reaching consequences.

In the United States, a great effort has been made to achieve the goal of achieving educational equity through judicial and financial system. It has been acknowledged there that unequal state of affairs in education is not desirable and must be corrected. (Macdaniels, 1992). There should be minimum variation in the standards of school education, because the varying standards of school education directly affect higher education and that indirectly violates equality of opportunity for higher education. Therefore, the US government is trying every possible way to rationalize the funds in order to remove this inequality. But in India, we have not paid serious or meaningful attention to this issue. In our country, after independence, it is the education which has become a pendulum as it lacks a uniform policy and is being kept purely on experimental basis.

Hypothesis:

On the basis of a case study the present paper attempts to test a hypothesis. The hypothesis is that the students passing their qualifying examination from government schools as well as the students, who cannot have private coaching, lag behind in the entrance examination as compared to the students studying in private schools and having private coaching/tuitions.

Methodology:

The students admitted to Bachelor of Medicine and Bachelor of Surgery (MBBS) course at Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak were taken as material of the study. In this institution admissions are made on the basis of the merit of entrance examination to provide equal opportunity to the candidates. By a random sampling method 125 MBBS course students each from the admission year 2013 and 2014 were given a questionnaire specifically aimed at getting information on their schooling and coaching/tuitions during 10th and 12th classes. The completed questionnaires were analysed using simple statistical methods.

Results: The results are as under:

Table-1 about here

Out of 250 students, 113 were of general category, 46 from scheduled caste category and 91 from all other types of reserved categories (Backward Classes, Other Backward Classes, Physically handicap and Economically Backward Person). Two hundred and twenty four (224) students i.e. 89.6% have passed their tenth class from private school whereas only 26 students i.e. 10.4% passed

from government schools. This number further decreased in twelfth class as only 17 students i.e. 6.8% have passed their twelfth class from government schools as compared to 233 i.e. 93.2% students who passed their twelfth from private schools. Moreover, out of these 17 students those who have passed their exam from government schools, 12 students took private coaching which indicates that private coaching may have contributed to their success in the entrance examination. In this way out of 250 students, only 5 students i.e. 2% were successful exclusively on the basis of their education in government schools. In general category as well in the reserved categories, the picture is not very different except some insignificant differences as is clear from the above table. This is the data from one institution and one professional college admissions only but the story may be no way different in other medical colleges and professional colleges like law, engineering, management etc. This study clearly reflects that a chance to get admission in M.B.B.S course on the basis of education received in Government schools is very low. Even economically backward and other backward class students, who joined MBBS, were not only educated in private schools but also had received private coaching. Therefore, the equality of opportunity to seek admission on the basis of merit is in fact, equality of opportunity only to rich people those who can afford private school fees and private coaching and not to the poor studying in government schools because the quality of education is not as good in government schools as in private schools.

Legal provisions:

The Constitution of India, with respect to education provides, a three dimensional approach- the right of an individual, the duty of an individual and the obligation of the State. Though right to education is implicit in Article 21-Right to Life (Unnikrishnan, 1993) yet Article 21A was inserted in the fundamental rights chapter which guarantees free and compulsory primary education to all children of the age of 6-14 years. The general right to education also finds a place in Article 41 of the directive principles of State policy. The Constitution 86th amendment Act 2002 further introduced a new fundamental duty of the parent or guardian to provide opportunities for education to his child or ward between the age of 6-14 years (Article 51A (K)).

The Right of Children to Free and Compulsory Education Act, 2009 is to ensure that all children in the age group of 6-14 receive free and compulsory education irrespective of his or her capacity to pay the fees. It is not only the constitutional but also international obligation of the government to provide free education to all children without any discrimination. Moreover, "providing education for all" is a central pillar of Millennium Development Goals. Important is not only education but quality education for all. Dakar Framework for action has also emphasized education as the key to sustainable development and peace and stability within and among countries. By 2015, all children should have access to free quality education till primary level. Nobody should be denied the opportunity to complete a good quality primary education just because it is unaffordable. The goal is also to improve all aspects of the quality of education and ensure excellence of all so that recognized and measurable learning outcomes are achieved by all (2000, pp-8, 15)

In the context of implementation of these legal provisions two aspects have been examined.

What have we achieved in the directions of providing education to all?

What kind of education are we providing?

The answer to the first question is that we have not been able to achieve a lot in the direction of providing free education to all children between the ages of 6-14. All of us are aware that a large number of children of this age group are working in houses, shops, and restaurants and even begging instead of going to school (Dainik Bhaskar 2013, p-4). Even among those who are enrolled in schools, a large percentage of such children do not complete primary education.

The answer to the second question i.e. the quality of education is even more disappointing than the first one. All of us know that education means a lot more than the simple ability to read and write but majority of children studying in government schools do not even possess this simple ability of reading, writing and arithmetic. The standard of education in government schools is further deteriorating i.e. "the percentage of children among Std-5 children enrolled in government school able to read Std-2 level text decreased from 50.3% (2009) to 43.8% (2011) to 41.1% ". (ASER Report 2013). No doubt, literacy rates in India have been rising sharply but 46% of children between 8-11 year cannot read a simple three sentence paragraph and writing and arithmetic skills are even poorer. Only 9% of males and 5% of females aged 15-49 have a college degree or diploma; 5% males and 3% females speak fluent English; and 7% males and 4% females have any computing skills (Facts on Education).

Majority of the government schools are infact no schools as judged by any established standards of education whatsoever and majority of these schools fail to pass such norms as Government's own Central Board of Secondary Education has fixed for affiliation to it for public schools operated by private bodies. The government schools lack in infrastructure as well as numerical strength and quality teaching staff. As a result, the standard of education in these schools has dropped to the level that even those who are uneducated and poor, they too prefer, (if they can afford by any means), to send their children to private schools. The poor people often send their children to private schools despite the fact that government schools are free. A study found that 65% of school children in Hyderabad's slums attend private schools. (Amit Verma, 2007). Enrollment of children in private schools is increasing every year. In rural area it was 18.7% in 2006 and in 2014 it reached 30.8%. In urban area this percentage is far more than rural areas. In Haryana it was 53.6% in 2014 whereas in 2006 it was 44.4%.(ASER Report, 2014)

The Indian state has completely given up all the values enshrined in the constitution of India to build a society based on equality and social justice (Niranjanaradhy, 2013, p-72). Therefore, the building of a national system of education on the principles of social justice and equality is a pre-requisite to give a meaningful effect to the implementation of the Constitution. Equal access to education is a basic duty of a mature society. If we do not pay serious attention to this issue, then it may have drastic effects. Hence it is necessary to find a solution to this problem at the earliest.

Conclusion and suggestions:

There is an inter-relationship between equality, education and Constitution but the existing education system has failed to provide equal opportunities for education to all children. This alarming situation demands the re-examination of our education system in order to provide equality in education to all children. Therefore, the central government of India and state governments should make great efforts to provide free and compulsory education to all children, not only up to 14 years of age but up to twelfth standard or 18 years of age. (According to the Covenant on the Rights of the Child, 1989, a child means a child below the age of 18 years. Article 28 particularly concentrates on school education.) All children should get same or alike education in real sense and not mere reading and writing ability because without this, the rights in general especially Right to Education and Right to Equality have no meaning. Some concrete steps should be taken to implement common school system and to make the full benefits of rights through equality in education. Under common school system when children of all those who are on government pay rolls like MPs, MLAs, Judges, teachers, doctors etc will be admitted in neighborhood government schools then definitely the quality of these government schools will improve and the government will also allocate more funds to improve the quality of these schools. Therefore, our education system needs to be restructured on the lines of the common school system adapted to a great extent in US to ensure equal quality education to all children without any discrimination. Common school system was recommended by education commission (1964-66) and the government also committed, in its Education Policy in 1968, 1986 and 1992, to take strenuous efforts to provide equal opportunities for education. Unless and until the government effectively executes these recommendations, the situation is not going to improve. Justice V.R. Krishna (1984) pointed out very pertinently that, "Law is what law does and not what law lips. A law that does not perform is a double hoax".

Table-1. Showing Schooling and Coaching pattern of students in 10th and 12th classes

Category	Number of Students	School upto 10 th				School 12 th				Coaching				12 th from Govt. School	
		Govt.		Private		Govt.		Private		Yes		No		No Coaching	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
Total Students	250	26	10.4	224	89.6	17	6.8	233	93.2	222	88.8	28	11.2	05	2
General	113	09	7.96	104	92.4	06	5.3	107	94.7	102	90.3	11	9.74	02	1.8
SC	46	07	15.2	39	84.8	05	10.9	41	89.1	41	89.1	05	10.9	01	2.1
Others (OBC, BC, PH, EBP)	91	10	10.9	81	89.0	06	6.6	85	93.4	79	86.8	12	13.2	01	2.1

N= number, SC=Scheduled Caste, OBC=Other Backward Class, BC=Backward Class, PH=Physically Handicap, EBP=Economically Backward Person

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