

The imperative of state support in elementary education



Political Science

KEYWORDS:

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Education and State: The Imperative of State Funding

State patronage to institutions and individuals imparting education dates back to ancient period but till industrial revolution, education by and large was privilege of elites. During industrial revolution, in the second half of 19th century, the increased demand of skilled workforce became catalyst of "expansion of basic education in industrialized countries in the latter half of the nineteenth century. Public funding of education, came with the expectation of economic growth and economic return at the national level" (Dickson, Hughes, & Ifran, 2010, p. 11). In these countries educational development became a serious public policy concern only after liquidation of colonialism in the second half of twentieth century. Chronologically, back in 1833, Factory Act of United Kingdom(UK), made it mandatory to the factory owners that child worker get regular education either in the school of the factory or elsewhere and by 1880 U K made general education compulsory. However, Prussia (part of present Germany) was the pioneer in launching programme for Universalization of Elementary Education and by 1871 it made elementary education free and compulsory. In the western hemisphere, in USA the State of Massachusetts long back in 1852 made elementary education compulsory and till 1918 every state of USA had provision of compulsory and free education (*ibid p11*) In Japan the period of Meiji Restoration (1868 to 1912), great social, political and economic changes took place. In this process elementary education was also made compulsory. Gradually many more countries joined this club of nations, and before the end of 19th century elementary education was compulsory in Canada, Australia, Italy, New Zealand, and France (Clemens, 2004). In developing nations, no such economic transformation was in vogue. It is only after liquidation of colonial rule – serious endeavour to promote education and make it available to large citizenry irrespective to their paying capacity. The movement for compulsory and free elementary education got further momentum with international recognition of importance of education – as legitimate right. In 1920, International Labour Organization rallied behind the demand. 1948 is a great leap forward in this direction in this year the right to education was recognized as human right and got included in the Universal Declaration of Human Rights of the United Nations Organization (UNO). The Article 26 of this declaration 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. These concern for educational development has no parallel in the history. As 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. Further in 2000, United Nations General Assembly incorporated the aims of universal primary education in the 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 gender, development partnership among nations, environmental sustainability and eradication of diseases like AIDS /HIV and Malaria, would be difficult to realize. Therefore, it is imperative for national government to create a legal frame work to monitor the right to education (UNESCO, 2002). The matter of fact is that countries that have ratified all international conventions that require governments to guarantee free and compulsory primary education to all children do not necessarily make legal and constitutional provisions enforce it. This demonstrates that to realize the goal of Education For All, strong political resolve at national and international level is required. This situation

conclusively establishes that countries which have low record in other human rights have relatively poor record in education as well (*ibid p 22*) This, inter-alia political will is also because of scarcity of resources. The countries whose tax revenue constitutes less than 10 percent of their GDP, for them it is often impossible to meet their human rights obligations corresponding to the right to education. (K.Tomaševski, 2001, p. 22). This observation of Tomaševski, on the basis of the trends of tax revenue and enrollment ratios during the later part of the twentieth century, but since things have changed little. Keeping the size of developing economies and slow growth of world economy, it requires strong political resolve to devote more resources to education. The tax GDP ratio of low income countries, though improving still ranges between 10 to 12 percent (The IBRD 2015 a Sept 4). As consequence per students average public expenditure on primary education as percentage to Per Capita Gross Domestic Product, in some developing countries is quite low around 10 percent. In some countries it is around 3 to 5 percent – for example Congo and Uganda. In India in recent years it varies between 7 to 9 percent, compared to these the world average is 17 to 18 percent, and for High Income Countries it is 22 percent (The IBRD 2015 c). Thus, there is also little possibility that expenditure on education as percentage of GDP in low income countries will go up from the present ratio of about 4 percent of GDP (The IBRD, 2015 b, Sept.5). In many cases in developing countries large number of households does not have the capability to afford the cost of education for long despite the fact that there have been marked progress on reducing poverty over the past decades. According to the most recent estimates (2011) 17 percent of people i.e. about 1 billion in the developing world lived at or below \$1.25 a day (these figures in 1981 were about 52 percent or 1.93 billion) But if higher poverty line US\$2 a day is taken into consideration about, 2.2 billion people lived on even less than on it (The IBRD 2015 d) These people can hardly afford bare subsistence and to expect them they will devote more resources on their own on education of children is to demanding. Therefore, governments have to take lead in providing resources and equally important is to create supportive environment to achieve the objectives of education for all. The other important lesson that world has learnt that economic growth, alone does not ensure investment in education, and 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 (The IBRD, 2010 Foreword).

The Context of India:

The modern 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 Governors of the three presidencies – Calcutta, Madras and Bombay on their own did take initiatives to promote education but in 1833 with the appointment of Governor General of India, situation changed completely. It initiated the process of developing a Pan India perspective. 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. One influential section of orientalist in the company including James Prinsep, William McNaghten and H.H Wilson, who were 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, another 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. They felt the teaching of oriental language and the knowledge is of little practical use (Desai, 2009, pp. 74,89-90) Moreover translating oriental knowledge in English and the knowledge available in English, in Indian language was considered a very costly affair in terms of money and time. The minutes of Macaulay, articulated these difficulties, particularly and linked them with the urgency of government to develop “*class of interpreters*” and won the battle in favour of English Education (ibid p90) This move of Macaulay finally culminated in *Wood's dispatch*, sent to Lord Dalhousie, the Governor General of India in 1854. The recommendation of Charles Wood, inter-alia, included establishing universities on the pattern of London University in big cities, and at least one government school in each district and put the affiliated private schools on the *grant-in-aid* of the government. The dispatch also included the recommendation that “the Indian natives should be given training in their mother tongue” and recommended to create structures for educational governance like establishing education department in every province and appointing series of lower level officers and deputing them to visit schools. After few years, in 1859, on the recommendation of Stanley's dispatch, local Cess Act was passed by different provinces which empowered local provinces to impose educational cess on land revenue.

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 responsibility of 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 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 (Khandelwal & Bandyopadhyay, 2001, p.6)

These decisions over a period have created a class of Indian, possessing good authority on English, which is for all practical purposes is now an international language. This undoubtedly gives a competitive advantage to India in various sphere. But it is also a fact that these decisions 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, further accentuated and fostered the inequalities. During British regime, philanthropic institutions, social reforms and nationalist feelings helped a great deal to spread education. But educational development of the country remained abysmally low, as in 1901 literacy was just 5 percent which rose barely to 10 percent in 1941. 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.

Education: Constitutional obligation or Moral responsibility

The issue of universal elementary education was on agenda of national leadership even during the heat of freedom struggle. The outlines of the education policy that Independent India would follow were drawn during the freedom struggle itself. In 1870 England passed Compulsory Education law and 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 and compulsory education is not an utopian ideal, the native state of Badora, Travancore, Manipur etc passed the Compulsory Education law (Juneja, 2003, pp. 15-18) However, it goes to the credit of Maharaj of Baroda who for the first

time in India way back in 1893 introduced compulsory education in Amerli Taluk 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. 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. 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 of 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 laws in its statute book. (Juneja, 2003, p. 18). In 1937, the Congress Ministry assumed responsibility of administration in seven major Provinces. In October 1937, to guide these provincial governments in matters 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 crafts must be the central to education process. In 1944, the Central Advisory Board of Education, 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.” The pledge of UEE, despite insistence from several quarters, for about four decades, was a pious intention and 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 by law”. The court ordered that the State must provide free and compulsory education to every child of 14 years of age.

The Right to Education: An political overview

Almost after a decade in 2002, the 86th Amendment Constitutional Amendment made elementary education a fundamental right of every child of 6-14 years. 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 parents or guardians 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 took seven long years to prepare Right to Education, justifiable. Eventually in the budget session of Parliament in 2008, it introduced the Right to Education (RTE) Bill which finally took the shape of RTE Act 2009 and came into force from 1st April, 2010. RTE Act-2009 in no uncertain terms has made it responsibility of the 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.

The implementation of Right to Education Act is a legal obligation on the State was to enroll each and every child of 6-14 years in neighbourhood school by March 2013. The basic issue in implementing in the RTE letter in spirit it to activate the state governments which have to share the major responsibility. The central government, Ministry of Human Resource Development is trying hard to persuade state governments to own the Act and implement it, but the attempts has yielded little success As a matter of fact the implementation of the act lacks luster. Only 13 of the 35 states and Union territories have either rules accompanying the Act or notified the authorities accountable for implementation of the various provisions of the Act. Only 6 states – Sikkim, Arunachal Pradesh, Manipur, Odhisa, Rajasthan Andhra Pradesh, West Bengal, Bihar, Uttarakhand have notified the rules to implement the Act. Keeping the financial burden for the implementation of the Right to Education in consideration, and precarious financial position of the States in view it seems that the State can do little to implement the Act. There is lot of ambiguity about the financial responsibility of implementing the provisions of the Act. On the one hand the Act states that the states and centre will have concurrent responsibility and the states will get predetermined percentage of expenditure as grants-in-aid from the Central Government based on recommendations of the Finance Commission on assessment of additional resource requirements. But on the other hand section 7.5 of the Act unequivocally states that "Notwithstanding anything ... the state government shall be responsible to provide funds for implementation of the provisions of the Act". The sharing pattern of financial burden between the centre and the states is a crucial issue.

There are other covert and overt weaknesses that raises doubts about the efficacy of the act. For example the act does not agree with understanding developed at national and international level about "who is a child". It has its own criterion that defines any person in the age group of 6 to 14 years, as child. Undoubtedly the resource constraint is responsible for narrowing down the definition of a child but excluding children of 0-6 years from the ambit of the act, is not without perils. Researches across the world have established that neglect of early child hood care has a heavy toll on the learning ability later. As children suffering malnutrition in early age may fail to develop learning capabilities later. It has also been argued that ensuring elementary education helps little to pull out a person or family out of poverty. As a matter of fact, it is secondary education that empowers and imparts skills to live material rewarding life. Therefore, excluding secondary education sets the limits for RTE in contributing to the process of capability creation –the essence of the development process.

The Act has undoubtedly set the time limit of three year from the commencement to establish a neighbourhood school but has not defined the area limits of neighbourhood and left it to the state governments to decide later.. This created an ambiguity and the Act compounds it further by giving a lot of leverage to private schools. The provision that private school will admit 25 percent children belonging to weaker and disadvantaged sections and government will reimburse the cost of education of these children

has been received with less enthusiasm and more resistance. Generally private schools putting tough resistance to the Act and have challenged its constitutional validity in Supreme Court. The apex court has upheld the validity of the provision and settled the matter once for all. Some schools have evolved methods to defeat the provisions of the Act. They are arranging separate afternoon classes for poor children. Explanations for this are, of course, apparently logical, like shortage of space, rooms, difference in the level of learning ability of children and so on. These arguments are actually smoke-screen, to defeat the spirit of the provision. Even if the reasons cited above are genuine, to implement the provision in this manner, fails to serve the purpose, the very spirit i.e. inclusiveness. This behaviour of school raises the doubts that they are unable to bear the idea of mixing the children of poor and elite, for fear of losing their elite status (Kumar K. . 2011) On these and other grounds, the RTE Act has been subject, to severe attack that the Act instead of reducing inequality will accentuate it further. As the idea of common school, as visualized in the First Education Commission of India (Kothari, 1968, pp. 10.5, 10.9) and is in practice in many developing and developed countries irrespective of type of political system and ideology, it seems is destined to remain dream as elusive as ever Education is a lucrative business for most of the private schools, and a large number of them have got land either free at very subsidized rates from the government. The Act will be further benefit these institutions by the largess of government-coming in the form of assured market (enrolment) of at least 25 percent of their total potential. How long government will continue to reimburse the cost of education of these children has also not been specified. Thus this provision is a lucrative business to private schools which are proliferating and the promise of quality education is attracting even poor households. This provision of RTE provides a secure market to private school. This indicates that, since common schooling system is not, on the agenda of government, therefore RTE may become an instrument of reinforcing the existing inequalities in which children get education as per the ability of their parents to afford the cost. Critics are of the opinion that the RTE is guided by the basic premises of market economy which intends to shrink the space of government activities in any sphere that has economic implication. The RTE can be transformed into an instrument of shifting public funds to corporate houses, NGOs, and religious bodies through public private partnership, school voucher, refinanced loans, cash transfers and tax exemptions, and above all absolving the State from its responsibilities to ensure UEE (Sadgopal, 2011, pp. 5-9). The very definition of school, as adopted in the Act has been questioned by many, as the Act itself recognized four categories of schools, which with varying quality in every aspect – provisions infrastructure, teachers and teaching learning practices etc. The Act see no conflict, this provision has with other fundamental rights like Article 14 (equality before law), Article 15(prohibiting the state from discriminating) and Article 16(social justice) (ibid). The RTE has little to offer one these issue and apprehensions are there that RTE may not be helpful in achieving the long held objective of National Education Policy "removal of disparities and to equalize educational opportunities by attending to the specific needs of those who have been denied equality."

The RTE seems to be lenient to private schools in infixing accountability. While the act clearly specifies that all government funded schools will be under the management of School Committee but there is no mention of such provisions in case of private schools. Though School management committee is no way a guarantee of quality of education and adherence to the norms of RTE, but keeping private schools out of the purview, even this scanty provision of community involvement and accountability seems unreasonable.

¹ 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 need to translate international obligations into national legislation so that every citizen get entitled to seek legal recourse to get the right of education delivered. Without legislation it is difficult to enforce obligations and lessen the incidence of their violation.” (UNESCO, 2002)

ⁱⁱ The average tax GDP ratio of developing countries 10.21, 11.17 and 12.30 in the year 2009, 2010 and 2011. percent The expenditure on education in low income countries is around 4.05, 3.93, 4.08 and 4.09 percent of the GDP in the year 2009, 2010, 2011, & 2012 respectively. Compared to it the developed world –which its large economies in terms of Gross Domestic product with a much higher tax GDP ratio of above 14 percent were spending well above 5 percent of their GDP. (The IBRD/The World Bank, 2015 a)

ⁱⁱⁱ 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.

^{iv} United Nations Convention of Rights of the Child (UNCRC) defines any individual below 18 years of age as a child and, the Juvenile Justice Act of India that considers persons below 14 years as children but the Right to Education Act has conveniently narrowed down the norms of defining the child and restricts it to 6-14 years of age.

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