

# **CHAPTER - I**

# **INTRODUCTION**

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### 1.1.0 INTRODUCTION:

Education in traditional Bharat was a privilege; privilege of Certain Varnas and linga. Thus, institutionalised education in India, in its origin, was discriminatory in nature and function. This discrimination in spite of opposition from various sections at different historical junctures continued unabatedly. Buddha opposed discrimination in educational admissions and in principle proposed education for all in antiquity. In modern India, reformers, from time to time, fought against this institutionalized discrimination and demanded education for all. Efforts of Mahatma Phule and Gopala Krishna Gokhle during British rule brought the demand for education as a national demand.

### 1.2.0 Landmarks in the history of compulsory free education in India

In 1882 Mahatma Jyotirav Phule demanded free education for historically denied people of sudras and women in his memorandum to Hunter Commission; Mahatma He had started first school for women in Pune .He taught his wife and gave education to women. He has given a statement about education that is:

1911 Gopala Krishna Gokhale's education for all bill in Imperial Legislative Assembly that was defeated; Again in 1912, Gopal Krishna Gokhale introduced Elementary Education Bill which was to permit local body an option to introduce compulsory education in selected areas on certain conditions but bill was not carried through in the legislature Council Gokhale's concluding remarks carried the prophecy "The bill thrown out today will come back again the Gov. of India (GOI) in 1921 enacted law for introducing compulsory primary education in the meantime, Vithal Bhai Patel had successfully piloted compulsory primary education bill in the Bombay legislature assembly in 1918.

- 1937 Gandhi's Basic education policy.
- 1944 Sargent Plan or Post World War II plan Educational Development in India to achieve Universal Elementary Education in 40 years by 1984;
- 1947 Kher Committee was set up to explore ways and means to achieving UEE within ten years at lesser cost;
- 1947 Sub-committee on Fundamental Rights of Constituent Assembly places Free and Compulsory education on the list of Fundamental Rights in *Clause 23*.

*It reads, "Every citizen is entitled as of right to free primary education and it shall be the duty of the State to provide within a period of ten years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen ears".*

However, Advisory Committee of the Constituent Assembly rejects Free and Compulsory Education as a fundamental right. Later the committee sent the clause to 'non-justiciable right' (This now known as Directive Principles of State Policy- part IV of the Constitution) Thus, Constitutional framers in the light and spirit of international covenants and independence struggle guaranteed fundamental rights to all citizens of India. But, the Article 45 of the Constitution which guarantees education for all the children below the age of 14 years is under Directive Principles of State Policy that is not an enforceable right. 1950 Article 45 of Directive Principles of Policy of Constitution of India provides that, *"The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years"*.

### **1.3.0 School Education- Facts and Concerns**

Nature of growth of Contemporary schooling in India is the mixture of conflicting aspects. Quantitative expansion on the one side and qualitative depletion on the other side are two inseparable aspects of Indian schooling. Incredible High quality schools at one social space and

pathetically low quality and no quality schools at the other end of social space is harsh reality of Indian schooling. Thus growth story of Indian schooling includes following positive and negative aspects:

- The Human Resource Department Ministry on Jan.26, 2001 released the latest Government data on the educational scenario in India. The figures reflect some positive trends.
- School are physically present in every habitation;
- Teacher, at least one, is posted in all the schools;
- Enrollment in schools from all the sections of the society has grown considerably;
- Girls' enrollment is in rapid increase; the female literacy rate has increased significantly since independence the female literacy rate was only 8.86% in 1951. The literacy rate of females is 53.67% as compared to 75.26% among males in 2001. Thus, Gender discrimination in Indian schools is coming down;
- Children from deprived sections are attending schools;
- Drop out rates are considerably coming down;
- Gradual increase in success rates.

Along with the above listed aspects of success story of Indian elementary school, there remains many vital aspects of schooling that are neglected and left behind the success story of the schooling. The growth story of Indian schooling does have negative aspects. They are:

However, despite, the constitutional commitment the goal to achieve universal primary education still remains a distant dream. According to 2001 census report about 34.62 percent of people remain illiterate in India. Furthermore, those who join primary schools only 1/3 of students continue beyond the primary education. This slow growth

rate in school education in general and the dismal progress of educational levels of deprived sections raised questions on the nature of right to education guaranteed in the Constitution.

- Despite the fact that there has been an increase in the literacy rates of SCs / STs since independence the present position is still far from satisfactory.
- The female literacy rates among STs continue to remain a serious cause of concern, as it is only 34.76 as against the total female literacy rate of 53.67%.
- Inequality in schooling is rampant. Low quality and no quality public schools is becoming biggest threat the objectives schooling;
- Privatization of schooling is at a rapid pace;

Normative orientation of schooling is experiencing tremendous pressures from emerging globalization, liberalization and privatization. Thus, we witness major shift of enrollments from government schools to private schools by those classes of people who are conscious of futuristic role of education in life and society. Right to education needs to be situated in this changing normative orientation of schooling.

#### **1.4.0 Making of Right to Education Act as Fundamental Right:**

The Supreme Court in a historical Judgement in the case of Unni Krishnan vs. State of Andhra Pradesh and others (SC. 2178/1993) rules that education a fundamental right. It reads:

“The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right however is not an absolute right. Its contents and parameters have to be determined in the

light of Articles 45 and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter this right to education is subject to limits, of economic capacity and development of the State”

In declaring Directive Principle a Fundamental Right, judgement further chided the Government for the lack of achievement of the goals of Article 45, and questioned:

“Has it no significance? Is it a mere pious wish even after 44 years of the Constitution? Can the state flout the same directions even after 44 years on the grounds that the article merely calls upon it ‘to endeavour to provide’ the same....?”

1997 January: Saikia Committee Report: The Report of the committee of State Education Ministers on Implications of the proposal to make elementary education a fundamental right recommends that:

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

1997 July: The Constitution (83rd Amendment) Bill proposed

\*\*Insertion of 21 A

\*\* Law shall not be applicable to institutions of private managements.

\*\*\*Omission of Article 45

\*\*\* Clause (k) will be added to Article 51-parental duty to provide education.

1997 November DRPSCHRD submits report to Parliament

**\*\*Retention** of Article 45 to cater to the 0-6 age group;

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

**\*\*Centre** should prepare simple legislation; details may be formulated by the respective states according to their requirements.

Due to swift opposition from concerned intellectual across the country over the 83<sup>rd</sup> Constitutional amendment, the 83<sup>rd</sup> Bill was amended, and reintroduced as Constitution (93<sup>rd</sup> Amendment) Bill 2001 in 2001. Subsequent to the Amendment, the following article shall be inserted after Article 21 of the Constitution. It reads,

“21A. 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.”

#### **1.4.1 Right to Education Act- 2009**

Finally, after many struggles and deliberations, elementary education has become Fundamental Right of every child of this country. In this regard legislature enacted a historic and all comprehensive act on 4<sup>th</sup> August 2009. It received Presidential assent and was notified as law on 3<sup>rd</sup> September 2009 and came into force from April 1 2010. With this, on April 1, 2010 India joined an elite group of nations, with the historic law making education a fundamental right of every child coming in to force. The Act entitled as, “The Children’s Right to Free and Compulsory Education Act-2009”. This comprehensive Act needs to be understood in the right spirit by all the functionaries of schooling.

### **1.5.0 NEED AND IMPORTANCE OF THE PROBLEM:**

Rights are entitlements to individuals guaranteed by the state. Guaranteed rights do not automatically translate into opportunities. This is truer in the case of child rights and particularly with educational rights. Enjoyment of entitled rights to a large extent depends on knowledge and understanding of those entitled rights in their true spirit. In the case of child educational rights, teachers need to have both awareness of those guaranteed right and also positive opinion towards those rights. In fact, their awareness and opinion matters much in realization of those constitutionally guaranteed rights. Therefore, there a need to study the awareness and opinion of our teaching community regarding historic law of right of children to free and compulsory education-2009 enacted by the Indian parliament.

### **1.6.0 STATEMENT OF THE PROBLEM**

A Study of Awareness and Opinion of Teachers Regarding Right to Education Act-2009

### **1.7.0 SIGNIFICANCE OF THE STUDY**

Effective translation of enacted laws depends upon the knowledge and opinion of stakeholders regarding the enacted law. As this study focuses on awareness and opinion of teachers regarding the Act, its findings facilitate policy makers in structuring policy intervention for its propagation and implementation.

## **1.8.0 OPERATIONAL DEFINITION OF TERMS.**

Before proceeding further, in any research, the researcher should have clear understanding of the problem. The problem selected for the study is A Study of Awareness and Opinion of Teachers on Right to Education Act-2009

There are two terms in the study- awareness and opinion. These terms carry different meanings to different people. Therefore, researcher here under, in brief, spells out his own understanding of these terms.

### **1.8.1 Awareness**

Awareness is, primarily, a mental state of an individual regarding something. Awareness is always awareness of something. It is a process of taking in something that is outside to individual. It indicates the knowledge of an individual about some phenomenon. In this study, the researcher employs the term 'awareness' primarily as accomplished cognitive ability of an individual.

### **1.8.2 Opinion**

Modern world is governed by the notion of multiplicity. Multiple interpretations to any given phenomenon are accepted epistemological stance of modern world. Opinion of every one in matters public concern is growing much.

## **1.9.0 Objectives of the Study:**

Researcher formulated following objectives for the present study. Since the study has two dimensions, namely Awareness and Opinion, researcher formulated two sets of objectives. They are:

### **1.9.1 A) Objectives regarding AWARENESS:**

1. To assess awareness levels of teachers regarding Right to Education Act- 2009
2. To find out the difference in awareness levels of teachers regarding Right to Education Act-2009 due to their gender.
3. To find out the difference in awareness levels of teachers regarding Right to Education Act-2009 due to their Caste.

### **1.9.2 B) Objectives regarding OPINION:**

To know the opinion of teachers regarding **contested provisions** of Right to Education Act- 2009 researcher has identified, on the basis of on going debates on the nature of RTE-Act-2009- following 3 Provisions/clauses to seek the opinion of teachers for the present study. There fore, the objectives under part B are:

**Section 12, Clause C of the Act Reads: "Specified in sub-clauses (iii) and (iv) of clause (n) of Section 2 shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion.**

4. To find out the difference in opinion of teachers regarding the provision 12 of Right to Education Act-2009 due to their gender.
5. To find out the difference in opinion of teachers regarding the Provision 12 of Right to Education Act-2009 due to their Caste.

### **Provision 30: Examination and completion certificate-**

**(1) No child shall be required to pass any Board examination till completion of elementary education.**

**(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.**

6. To find out the difference in opinion of teachers regarding the Provision 30 of Right to Education Act-2009 due to their gender.
7. To find out the difference in opinion of teachers regarding the Provision 30 of Right to Education Act-2009 due to their Caste.

**Provision 28: Prohibition of private tuition by teacher – No teacher shall engage himself or herself in private tuition or private teaching activity.**

8. To find out the difference in opinion of teachers regarding the Provision 28 of Right to Education Act-2009 due to their gender.
9. To find out the difference in opinion of teachers regarding the Provision 28 of Right to Education Act-2009 due to their Caste.

#### **1.10.0 HYPOTHESIS**

Following hypotheses are formulated for the study:

1. Awareness levels of teachers regarding Right to Education Act- 2009 is high;
2. There is no significant difference in awareness levels of teachers regarding Right to Education Act- 2009 due to caste;
3. There is no significant difference in awareness levels of teachers regarding Right to Education Act- 2009 due to gender;
4. Teachers opinion regarding Right to Education Act- 2009 is positive;
5. There is no significant difference in opinion of teachers regarding Right to Education Act- 2009 due to caste;
6. There is no significant difference in opinion of teachers regarding Right to Education Act- 2009 due to gender;

### **1.11.0 DELIMITATIONS:**

This study is neither comprehensive and nor exhaustive. The focus of the studying is very much limited. The study has following limitations:

1. Firstly, Conceptual limitation of the study is that it confined only to cognitive dimension of awareness regarding R.T.E. Act;
2. Secondly, the study is confined to opinion of respondents regarding 'selected provisions' of the Act- 2009;
3. Awareness and opinion of respondents is based on structured questions and items only;
4. Present study is confined only to Bhokardan Tahsil.
5. The sample is restricted only to hundred teachers.