

**A STUDY OF LEGAL FRAMEWORK AND
POLICIES WITH REGARD TO EDUCATIONAL
DEVELOPMENT OF CHILDREN IN INDIA**

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“Plants are shaped by cultivation and men by education. ...We are born weak, we need strength; We are born totally un-provided, we need aid; We are born stupid, we need judgement. Everything we do not have at our birth and which we need when we are grown is given us by education.” --- (Jean Jacques Rousseau)

Men are born and remain free and equal in rights. All men are equal by nature and before the law. Education is needed by all. Society ought to favour with all its power the advancement of the public reason and to put education at the door of every citizen. Education is considered essential for a man to live with human dignity. Every human infant comes into the world lacking of the facilities characteristic of fully-developed human beings. This does not mean simply the ability to see clearly, to move around, to feed oneself, etc.; above all, it means he is devoid of reasoning power - the power that differs man from animals. But the crucial difference between the man and other animals is that these powers, in particular the ability to reason, are potentially within him. The process of growing up is the process of the development of the child's faculties.

Education is a dynamic process that starts from birth. It is the most important element for growth and prosperity of a nation. Education in its real sense is the pursuit of truth. It is an endless journey through knowledge and enlightenment. Such a journey opens up new vistas of development of humanism. Education is the inner development of the child. Therefore it should not be imposed from outside. The principles of education should be discovered through observation and experiment in the field of education. The success of the teacher depends upon teaching according to the interests

of the child. Childhood is the most important period in a person's education. Education is the birth right of every individual. It aims at the all-round development of his capacities and abilities. The teacher should not only know various subjects but should also be conversant with best teaching methods.

Education is a process which engages many different actors : the one who provides education (the teacher, the owner of an educational institution, the parents), the one who receives education (the child, the pupil) and the one who is legally responsible for the one who receives education (the parents, the legal guardians, society and the State). These actors influence the right to education.¹

The essence of Human Development is education, which plays a significant and remedial role in balancing the socio-economic fabric of the Country. Children of India are its most valuable resource; our nation needs the nurture and care in the form of basic education to achieve a better quality of life. This permits an all-round development of our citizens, which can be achieved by building strong foundations in education. Education for any person is not only a tool to enhance his understanding and knowledge of everything present and happening around him but is also an avenue for ensuring an all-round growth and development of his or her personality in all respects. Educational system of our country should be such so that the benefits of education reach one and all especially the most deprived sections of our society. The education system in India is essentially liberal and secular in character. India has a glorious tradition of education at all levels.

The education system which was developed first in ancient India is identified as the 'Vedic' period. The importance of education was well recognized in India, '*Swadeshe pujiyate raja, vidwan sarvatra pujiyate*' "A king is honored only in his kingdom, but one who is educated is honoured throughout the world." The ultimate

¹*Society for Un-aided Private Schools of Rajasthan v. UOI &Anr.*, (12 Apr., 2012); 2012(6)SCC1.

aim of education in ancient India was not knowledge, as preparation for life in this world or for beyond the life, but for complete realization of himself.

India is a land of scholars and intellectuals from ancient times - the Vedic and the Buddhist. Education in India has a history stressing back to the ancient urban centres of learning at '*Takshashila*' and '*Nalanda*' to western education established by British Crown. The Vedic school survived through '*guru shisya parampara*' only in the remote villages, and established a teacher centric system in which the pupil was subjected to a strict discipline and was under certain obligations towards his teacher. Secular Buddhist institutions cropped up along with monasteries. These institutions imparted practical education like medicine, science and technology in ancient and medieval India covered all the major branches of human knowledge and activities.

According to Swami Vivekanand, "Education is not the amount of information that we put into your brain and runs riot there, undigested, all your life. We must have life-building, man-making, character-making assimilation of ideas. If you have assimilated five ideas and made them your life and character, you have more education than any man who has got by heart a whole library..... If education is identical with information, the libraries are the greatest sages of the world and encyclopedia are the greatest Rishis."

Education means that, "the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitude, limited to any specific activities."The most commonly used Indian word '*shiksha*' is derived from the Sanskrit verbal root '*shas*' which means 'to discipline', 'to control', 'to instruct' and 'to teach'. Likewise inter alia the word '*vidya*' is derived from Sanskrit verbal root '*vid*' which means 'to know'. '*Vidya*' is thus the subject matter of knowledge. This shows that disciplining the mind and imparting knowledge where the foremost considerations in India.

It is evident that imparting elementary and basic education is a constitutional obligation on the State as well as societies running educational institutions. When we talk of education, it means not only learning how to write and read alphabets or get mere information but it means to acquire knowledge and wisdom so that he may lead a better life and become a better citizen to serve the nation in a better way. Every generation looks up to the next generation with the hope that they shall build up a nation better than the present. Therefore, education which empowers the future generation should always be the main concern for any nation.² Without education a citizen may never come to know of his other rights. Since there is no corresponding constitutional right to higher education the fundamental stress has to be on primary and elementary education, so that a proper foundation for higher education can be effectively laid.

Hence, we see that education is an issue, which has been treated at length in our Constitution. It is a well-accepted fact that democracy cannot be flawless; but, we can strive to minimize these flaws with proper education. Democracy depends for its very life on a high standard of general, vocational and professional education. Dissemination of learning with search for new knowledge with discipline all round must be maintained at all costs.

The significant of education was very well explained in *Brown v. Board of Education of Topeka*,³ in following words – “It is the very foundation of good citizenship. It is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms”.

²*BhartiyaSevaSamaj Trust ... v. Yogeshbhai Ambalal Patel & Anr*, Supreme Court on Sep.-14-2012.

³US Supreme Court Report 98 Law. Ed. 347 U.S. 483, 873 (1954)

The right to education is a human right and purpose of human rights law is to transform allocation for education from discretionary to obligatory. The first impression of International concern over the “situation of children” came in the Geneva Declaration, 1924 adopted by the fifth assembly of the League of Nations, can be seen as the first international instrument dealing with children’s rights. Principle 5 of the Geneva Declaration, 1924 states “the child must be brought up in the consciousness that its talents must be devoted to the service of fellow men”. The Geneva Declaration, 1924 is important as it highlights the social and economic entitlements of children and establishes internationally the concept of the rights of the child, thereby laying the foundation for setting future international standards in the field of children’s rights.

Right to education has been a key element of almost every international convention, on human rights since the UN was established; India joined the membership of UN on 4 November 1946. Several International Conventions have enshrined therein the right to education and placed binding commitments on ratifying States. The right to education is codified in the Universal Declaration of Human Rights (UDHR) on 10th December, 1948.

Article 26(1) of UDHR, states that, everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Article 26(2) states, education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Further, Article 26(3) states that, Parents have the prior right to choose the kind of education that shall be given to their children.

Principle 7 of the UN Declaration of Rights Child, 1959 provides that, the child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents. The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.

The International Covenant on Economic, Social and Cultural Rights, 1966 covers the right to education comprehensively, specially Article 13 and 14, as they set out the aim of education systems and the content of education. Articles 13(1) recognise that the right of everyone to education and shall strengthen the respect for human rights and fundamental freedoms. Article 13(2) provides a view to achieving the full realization of the right to education - Primary education shall be compulsory and available free to all, Secondary education shall be made generally available and accessible to all, Higher education shall be equally accessible to all, on the basis of capacity. Thus, Article 13(2) provided the right to receive education and says that education in all its forms and at all levels shall exhibit the following inter-related 4A's essential features - availability, accessibility, acceptability, and adaptability.

Article 28(1) of the UN Convention on the Rights of the Child, 1989, provides the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, in particular – (a) primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures; (c) higher education accessible to all on the basis of capacity by every appropriate means; (d) educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-

out rates. Further Article 29 specifies that the education of the child shall be directed to development of mental and physical abilities and overall all-round development.

Further, besides these conventions, there are various conventions related to Right to education as - Discrimination (Employment and Occupation) Convention (1958), Convention against Discrimination in Education (1960), International Convention on the Elimination of All Forms of Racial Discrimination(1965), Committee on Economic, Social and Cultural Rights (1999-GC. 11) and Committee on Economic, Social and Cultural Rights (1999-GC. 13), Convention on the Elimination of All Forms of Discrimination against Women (1979), Declaration on the Right to Development (1986), UN Committee on the Rights of the Child (2001-GC. 1), World Declaration on Education for All (1990), World Summit for Children (1991), World Education Forum Dakar (2000), Millennium Development Goals (2000), The World Summit (2005), The Incheon Declaration (2015), and 2030 Agenda for Sustainable Development Declaration, etc. all conventions express a commitment to education as a right.

The Indian concept of right to education developed during the freedom movement with the demand for self-governance and total independence from the colonial rule, culminated into Part III of the Indian Constitution on 'Fundamental Rights'. These Fundamental Rights are close to those embodied in the UDHR, 1948. The first step towards right to education was taken right after Independence in 1950 when the Constitution (Art. 45) by way of a directive principle promised free and compulsory education within 10 years (by 1960). Article 45 stated 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."⁴ Further, Article 41 mandated the State, among other things, to make effective provision for securing the right to education "within the limits of its economic capacity and development." Further, Article 14 Art. 15, Art.21,

⁴The Constitution of India, art. 45 (As it was before Eighty-sixth Amendment) Act, 2002.

Art.24, Art.25, Art.26, Art.29, Art.30, Art.45, Art.46, and entries mentioned in concurrent list, Inter alia Articles 343, 350-A, 350-B, 351, etc. are related to right to education.

Besides, national and international provisions there are various policies and programmes, related to right to education of children as notational policy on education, 1968, 1986 as modified 1992, national policy for children 1974, National Charter for Children (2003), The National Policy for Children, 2013 various programme related to eradicate to illiteracy, many five year development plans, and several government reports on right to education of children, etc. which ensure the right to education of children.

In *Mohini Jain v. State of Karnataka and Ors. (1992)*, Supreme Court held that 'right to education' is fundamental right and flows directly from 'right to life' under Article 21 of the Indian Constitution. The 'right to life' under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. Thus, virtually elevating the right to education to the status of a fundamental right. This was made explicit in *Unni Krishnan, J.P. and Ors. v. State of Andhra Pradesh and Ors. (1993)*, Supreme Court held, the right to education is implicit in the right to life and personal liberty guaranteed by Article 21 of the Constitution. Right to education is a fundamental right under Article 21, it is freely available only to children until they complete the age of 14 years.

Thereafter, Constitution (Eighty-sixth Amendment) Act, 2002, subsequent to considerable internal and external pressure, explicitly declared as a fundamental right by inserting a newly Article 21-A. The Amendment Act has provided three insertions in the Constitution of Indian, Article 21-A mandates, "The State shall provide free and compulsory education to all children of the age of 6-14 years in such a manner as the State may, by law, determine." Article 45 provides, "The State endeavour to provide early childhood care and education for all children until they complete the age of six

years.” Article 51-A provides It shall be the duty of every citizen of India --- In Article 51-A, after clause (j), the following clause (k) has been inserted: “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.”

The right to free and compulsory education became a fundamental right in India after six decades of independence. The Constitution (Eighty-six Amendment) Act, 2002 makes elementary education a fundamental right and its consequential legislation. To enforce Article 21-A parliament has enacted the Right of Children to Free and Compulsory Education (RTE) Act, 2009, which came into force 1 April, 2010 in whole India except the State of Jammu and Kashmir. The Preamble states that the 2009 Act stands enacted inter alia to provide for free and compulsory education to all children of the age of 6 to 14 years. The RTE Act seeks not just to guarantee elementary education but also to reform the system, which has been long overdue. It bans capitation fees, bars the screening and interviews of parents and students before admission, and makes corporal punishment unlawful. It also prohibits private tuition by teachers. The Right to Education is concerned with school education which is a concurrent subject of the Constitution, a concern for both the Centre and the States. So the smooth operation of the RTE Act depends upon a host of factors including the efficiency of the Central and State governments, district and village administration, as well as the involvement of teachers, parents and students as part of a “national endeavour”, irrespective of caste and creed, region and language. Further, in *Society for Un-aided Private Schools of Rajasthan v. Union of India & Anr. (2012)*, Supreme Court upheld the Constitutional validity of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

The children of this great nation awaits a new paradigm of education that fosters knowledge with analytical skills, logical reasoning and the ability to imagine beyond the given; that aims at transforming lives by instilling 21st century skills and stimulating lifelong learning. Education in India requires a fresh approach to meet its

challenges. It is this approach that will define the thrust areas and make sure we achieve our goals with the right value system, sensitivity and responsibility.

In spite of all above qualities, the Indian Constitution and RTE Act, 2009 has many serious lacunas. While studying Indian Constitution and examining all provisions of the RTE Act, 2009 various serious lacunas have been found, which shows that the Act is not complete or sufficient in terms of accomplishing its declared and most desirable goals of right to education of children.

The problem can be traced to the Constitution (Eighty-sixth Amendment) Act, 2002 and Article 21-A, of the Constitution, which seeks to make free and compulsory education as a fundamental right only for the children in the age of 6 to 14 years and not for the children in the age of 0–6 years. The provision of Article 21-A is directory in nature. It is difficult to understand that up to 6 year of age right to education has not been given the status of fundamental right rather it is in the shape of directive principles of state policy and would acquire the status of a fundamental right only after the child attains the age of 6 year; whereas the fact is that the fundamental rights, if they are really fundamental rights, are acquired by birth, and not subsequently.

Thus, Constitution (Eighty-sixth Amendment) Act, 2002 and Article 21-A of the Constitution has promoted this huge mistake by not recognising the importance of the early years. Whenever, early years of childhood, are the most important period for the rapid growth and development, during this period of age the foundations of cognitive, physical and socio-emotional development, language and personality develop properly. The brain development is most rapid during this phase - 90% of brain growth takes place before the age of 5 years.

Article 51-A(k) contains the word 'her' only, as it apply only for 'male children' not for 'female children', because the word 'her' is missing from Article 51-A(k). So there is huge mistake of Constitution (Eighty-sixth Amendment) Act, 2002

and Article 51-A(k).Therefore Article should be amended immediately to insert the word 'her' in this Article or any other gender related word inclusive of all children.

In Unnikrishman (1993) judgment, Supreme Court has declared that, all children up to the age of 14 years have a fundamental right to education. The Supreme Court contended that 'right to life' under Article 21 of the Constitution should be read in 'harmonious construction' with the directive in the Article 45 to provide free and compulsory education to every child up to the age of 14 years, including those below six year of age. Thus, Article 21-A of the Constitution restricted the age group from 0-6 years of children.

The current legal enactment, educational policies and constitutional framework of right to education of children in India does not place enough emphasis on the rights of children. The right of children to free and compulsory education in India thus depends on earlier educational policies and schemes created and run by the Central and State Governments.

Illiteracy is one of the major problems faced by the all developing nations. India is the 7th largest country and its population stands 2nd in the world after China. The basic indicator of educational standers in any country is the rate of literacy of a particular country. In a developing country like India, a vast majority of the population is illiterate and living far below the poverty line. Illiteracy causes serious problem in India. As per census 2011, the literacy ratio of India is 74.04%, it is still a matter of concern that still so many people in India cannot even read and write. The target of 11th five year plan (2007-12) was to achieve 80% literacy rate. The 12th five year plan (2012-17) is near to an end, but India has failed to achieve the target set by 11th five year plan (2007-12). India has not been able to reach the world literacy rate of 84% so far.

The major problem is that, the concerned governments are not spending even minimum per students per day. Government budgetary allocation for elementary

education in 2015-16 decreased from Rs. 43126.28 crore in 2014-15 to Rs. 32917.20 crore in 2015-16. This is a decline of Rs. 10209.08 crore, a decrease of 23.67%. The Union Budget of 2015-16 saw massive cuts in the overall spending on education as well as SSA allocation. Fifty years ago, the Kothari Commission, had recommended 6% of GDP allocation to education. Unfortunately, we are yet to cross the 4% mark. Considering the cumulative gap, at least 10% of GDP need to be spent on education.

India acceded the United Nations Convention on the Rights of the Child (CRC), 1989 which mandates, a child means every human being below the age of eighteen years, CRC use the term a child means “every human being”. Article 21-A of the Indian Constitution use the term “all children” as, “The State shall provide free and compulsory education to all children of the age of 6-14 years in such a manner as the State may, by law, determine.” Article 45 inter alia use the similar term “all children” as provision for early childhood care and education to children below the age of six years.⁵ The objects and reasons of the RTE, Act 2009, which enacted by parliament and came into force April 1, 2010, mandates that, every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. RTE Act, 2009 also use the term “every child”, as defined the ‘child’ – means a male or female child of the age of 6 to 14 years. So there is a contradiction among all the definitions of child and RTE Act, 2009 does not cover every child, RTE Act, 2009 defined, “the child means a male or female child of the age of 6 to 14 years.”

The RTE Act envisages that the appropriate government shall ensure ‘good quality’ elementary education conforming to the standards and norms specified in the Scheduled, and inter alia local authority shall ensure ‘good quality’ of elementary education conforming to the standards and norms specified in the Scheduled. Notwithstanding the existence of the word ‘good quality’ in the Act, the Scheduled

⁵Subs. By the Constitution (Eighty-six Amendment) Act, 2002, s. 3

itself is generally perceived, not specifying the types of 'quality education'. Act is silent about 'good quality' and does not declare the meaning of 'good quality'.

The RTE Act provides that it shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in neighbourhood school. This provision generally perceived in this Act, and not the intention of this provision to compel parent or guardian and children or wards, who do not wish to avail of free and compulsory education, to inevitably admit their children or wards in neighbourhood school. In other word, if parent or guardians have not performed their duty, there is no provision in RTE Act, 2009 to compel them to perform their duty. But, in fact, it is really on grass-root level that the maximum number of children who belong to weaker section and disadvantaged group, do not attend the schools.

The RTE Act direct to appropriate government to provide for pre-school education and refers that '.....appropriate Government may make necessary arrangement for providing pre-school education to prepare children' above the age of three years for elementary education and provide early childhood care. It should be mandatory for all concerned Governments and for this purpose 'may' should be replaced by 'shall', because the word 'may' makes this provision of the Act maim. This provision is not mandatory in this Act, without a mandatory provision, there can be no accountability and clarity that how the appropriate government can make arrangements for this provision. This provision depends only on the will of the appropriate government.

The RTE Act provides 25% reservation in admission of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion, the word 'disability' which is already mentioned in the definition clause⁶,

⁶ Section 2 (ee), Ins. by Act No. 30 of 2012

but is missing from Section 12 of the Act. The effect is that disabled children do not clearly get to avail 25% quota in private schools. Thus, the Act fails to provide free and compulsory education to every child.

The RTE Act prohibits the proof of age at the time of admission procedure in a school and it is the duties of appropriate Government and local authorities, Migrant's children may not be able to procure birth certificate etc. sometimes, and they are protected under this Section, but it should be constructed to support orphans as well as children belonging to disadvantageous circumstances. However Section 9(k) confers responsibility upon all local authorities to 'ensure admission of children of migrant families' but this clause is missing from Section 8 dealing with duties of appropriate Government.

The Act mandates that a child shall be admitted in a school at the commencement of the academic year or within the prescribed extended period, but this provision of the Act does not cover private un-aided schools. Because, Private unaided schools need not be concerned about this provision, especially with respect to the 75% admission, because if they have filled all seats at the beginning of the academic year the question of any-time admission would not arise.

The RTE Act, 2009 mandates that No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education. There is no examination and evaluation process for children in primary classes, they do not get any motivation to improve their skills and complete their elementary education. If a child is not held back in any class and is promoted to next class continuously without any test or examination, he does not have enough knowledge and skill to understand the syllabus of higher classes, in which he is promoted. There is an element of fear that due to lack of through proper evaluation test, the non-performers may become a liability for the society at large.

The RTE Act, 2009 mandates that, no child shall be required to pass any Board examination till completion of elementary education, and inter alia provides that every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed. According to the RTE Act, 2009 if a child secures zero marks in all subjects and does not go to school even for a single day, should be promoted to the next class, this provision of the Act affected those children who really want to read and acquire knowledge. If a child is promoted to the next class, it takes away all types of motivation from those children to learn or for the teachers to teach. No detention policy increases enrollment of students in the school but on the other hand it decreases improvement in academic education and quality education. It is the subject of concern that due to no detention policy the child does not learn the mother-tongue, essay, calculation and other fundamentals of primary classes, which is very important for the proper development of child's mind.

Presently, most of the provisions of the Act have failed to fulfil its goals because the target related to teacher training within three years was set as March 31, 2013. The targets related to the teachers within five years, was set as March 31st 2015. RTE having come into force in April 1, 2010, whenever, both deadlines have passed. There is no road- map or time-frame to determine the future of the Act as well as the intention of the government.

Researcher articulates some effective opinion for structuring education reform in the future. Finally, it presents concrete reform recommendations to illustrate how these opinions can be fruitfully applied. These recommendations are largely based on more effective understanding in relation to educational goal through a model that draws on recent developments in the field of right to education. If we want to overcome the above challenges, then it would be necessary to overhaul the entire education system and the following can be suggested for bringing qualitative improvement with respect to RTE Act 2009, there are some suggestions as follows -

- Right to education should be right, satisfactory and qualitative education for all children in all government aided and un-aided private schools.
- Article 21-A of the Constitution should be amended and ambit up to age of 18 years in the same manner of International definition of a child in the International Convention on the Rights of the Child, 1989.
- Article 51-A(k) of the Constitution should be amended and ambit up to age of 18 years in the same manner of international definition of a child in the Convention on the Rights of the Child, 1989.
- Article 21-A provide, the fundamental right only for 8 years for children neither before 6 year nor after 14 years. Wherever, the part III of the Constitution of India provides fundamental rights by birth to all children not for limited period of specific age of child. Therefore, Article 21-A of the Constitution should be amended immediately for providing fundamental right by birth to all children.
- Article 51-A(k) contains the word 'his' only, it seems apply only for 'male children' not for 'female children', because the word 'her' is missing from above Article. Therefore Article should be amended immediately to insert the word 'her' in this Article or any other gender related word inclusive of all children.
- The optimum age for the right to free and compulsory education should be same as the age of right to vote, age of maturity, right to work and right to marriage, etc.
- The provision of Article 45 of the Constitution should be a part of fundamental right to education as it influences the most vital period of the child's development.
- Section 3 of the RTE Act, 2009 should be amended and Act ambit to the age up to 18 years, not to deprive poor children in technical education and higher education.

- The period of Right to free and compulsory education under RTE Act should be amended and should begin from nursery class and extend for four more years that is from 9th -12th Class.
- Section 11 of RTE Act should be amended immediately, the word ‘may’ should be replaced by ‘shall’, because the word ‘may’ makes this provision of the Act maim. and should provide education above the age of 3 years of children and until they complete the age of 6 years as fundamental right because this age is very important for mental as well as physical growth of all children.
- A minimum level of grading or standard should be fixed for the child to be promoted to the next class instead of blanket promotion.
- The concept of safe and secure education should be decoded and planned, it need to be addressed by all State governments as urgent to non-negotiable to support delivery of quality education, should be appropriate in number vis-à-vis enrolment of children in schools.
- Those parents/guardians, who fail to admit their child to a neighbourhood school for obtaining elementary education, should be debarred from availing total government facilities like ration card, water, electricity, LPG and job card facility, etc.
- Those parents/guardians, who do not admit their children to a neighbourhood school for elementary education, should be liable to fine for each day during which such contravention continues.
- The pattern of syllabus of elementary education to all children should be equal at national level in all government aided and un-aided private schools.
- The right of transfer to other school, a child should be allowed to seek transfer to any un-aided private school also from any other school for completion of his elementary education.

- Every literate person should also come forward and spread the knowledge about usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils.
- Budgetary allocation of funds should be sufficient in this respect. Social inequalities and monopolization by any group should not be permitted at any cost.

(Supervisor)

(Research Scholar)