

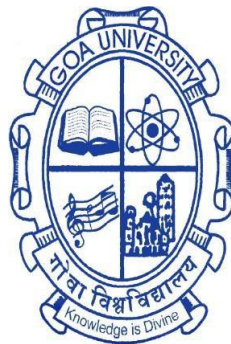
Fundamental Right to Education: A Socio - Legal Perspective with reference to the state of Goa

A THESIS SUBMITTED IN PARTIAL FULFILLMENT FOR THE DEGREE OF
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By

Ms. Kamat Sonia Anant

Research Centre in Law, V.M Salgaocar College of Law
Goa

FEBRUARY 2025

DECLARATION

I, **Ms Kamat Sonia Anant** hereby declare that this thesis represents work which has been carried out by me and that it has not been submitted, either in part or full, to any other University or Institution for the award of any research degree.

Place: Taleigao Plateau.

Date : 20-02-2025

Ms Kamat Sonia Anant

CERTIFICATE

I hereby certify that the above Declaration of the candidate, name of the candidate is true and the work was carried out under my/our supervision.

Prof.(Dr).M.R.K Prasad
Research Centre in Law
V.M.Salgaocar College of Law, Panaji

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4.	Ashwini Kumar Upadhyay V Union Of India AIR 2018 SC 4633
5.	Avinash Mehrotra v. Union of India 6 SCC 398 (2009)
6.	Champakam Dorairajan v State of Madras 1951 AIR 226
7.	Christian Medical College Vellore Association v Union of India (2020) 8 SCC 705
8.	Francis Coralie Mullin v. The Administration of Union of Territory, (1981) 2 SCR 516.
9.	Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697
10.	Kamal Gupta v. State of Uttarakhand 2018 SCC Online Utt 677
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25.	Shankari Prasad v Union of India 1951 AIR 458
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27.	Society For Un-Aided Private School Of Raj vs U.O.I &Anr, (1997) 6 SCC 241
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29.	Syed Mehedi v. Govt of NCT of Delhi & Ors 2019 SCC Online Del 9015
30.	The Ahmedabad St. Xavier's College Society And Another Vs. The State of Gujarat And Another, 1974 AIR 1389
31.	T Muhammad Faisi v. State of Kerala AIR Online 2020 Ker 439.
32.	T.M.A. Pai Foundation vs State Of Karnataka, 1994 AIR 2372
33.	Unni Krishan v. State of Madras, 1993 AIR 2178

ABBREVIATIONS

CWSN	Children with Special Needs
DIET	District Institutes of Education and Training
EFA	Education For All
GDP	Gross domestic product
GER	Gross Enrolment Ratio
IMF	The International Monetary Fund
MDG	Millennium Development Goals
MDM	Mid Day Meal
MHRD	Ministry of Human Resource Development
NCTE	The National Council for Teacher Education
NEP	National Education Policy
NER	Net Enrolment Ratio
NPE	National Policy of Education
OOSC	Out of School Children
POA	Programme of Action
PROBE	Public Report on Basic Education
PTR	Pupil Teacher Ratio
PWD	Persons with Disabilities
RTE Act	Right to Free and Compulsory Education Act, 2009
SCERT	State Councils of Educational Research and Training
SSA	Sarva/Samagra Shiksha Abhiyan
UDHR	Universal Declaration of Human Rights
OECD	Organization for Economic Cooperation and Development
UEE	Universalization of Elementary Education

UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNESCO	The United Nations Educational, Scientific and Cultural Organization

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Chapter 1

Introduction

1 Introduction

Human Rights are an integral part of human personality, irrespective of caste, creed, gender, religion or nationality. They are inherent as part of natural law and further guaranteed in the form of international treaties, constitutions, and legislations. Human rights are universal in nature and imply non-discrimination.¹ It, however, entails both rights and obligations.

Education is one of the prime components of human rights, and it also plays a pivotal role in promoting and protecting other human rights. It plays a crucial role in spreading awareness and disseminating knowledge amongst the learners. It promotes the multifaceted development of human personality encompassing an individual's physical, social and mental capabilities.

Education is a lifelong process as it begins at birth and continues till the death of an individual. Early child education is a crucial period as it affects the later educational process of a child.² Education aids in the development of intellectual skills, provided there is a relationship between the individual and the environment.³ The role of education can be inferred at any given period depending upon the value and purpose of the society at the relevant time.⁴ Initially, religion predominated the education curriculum, which was later taken over by more scientific, cultural and moral principles.⁵

However, regardless of the time period, education is expected to promote rational thinking, critical analysis, and political liberty. It aims to nurture a child in a socially

¹ Agarwal, H.O, International law and human rights, Central Law Publications, pgs 65-70, 2020,.

² Hearty, S. and Alur, M., Education and Children with Special needs, Sage Publications, New Delhi, pgs 123-127, 2005,

³ Durkheim, É. Education and Sociology. New York: The Free Press, pgs, 22-28,(1956).

⁴ Moore, T. W. Philosophy of Education: An Introduction. London and New York: Routledge: Taylor & Francis Group, pgs 44-50, (2010). <https://doi.org/10.1108/eb01633>.

⁵ Chowdhary, Mohammad, Emphasizing Morals, Values, Ethics, And Character Education In Science Education And Science Teaching, 4 (2), The Malaysian Online Journal of Educational Science, pgs 1-16, 2016

acceptable and approved way of living.⁶ It tends to improve knowledge and skills and equips an individual with a broad range of capabilities.⁷

On the other hand, lack of education is primarily seen as a major cause of health and disease⁸ since education determines to a large extent the access to a multitude of resources in the nature of income, safe neighborhoods etc.⁹ In addition to this, missing out on school is said to have a detrimental effect on a child's academic achievement.¹⁰ Studies have proved that inadequate exposure to education stops the further advancement of their skills.¹¹ Absence from school impedes learning and affects a person's long-term capabilities which are directly dependent upon skills he acquires at a younger age. Thus, education is a must for all-round development of human personality.¹²

Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948 (UDHR).¹³ The provision for free and compulsory primary education, guaranteeing equality in accessibility and providing

⁶ Noddings, Nel, *Philosophy of Education*, Boulder, CO: West view Press, (1995), ISBN 0-8133-8429-X, pgs 114-120.

⁷ Mirowsky J, Ross CE. *Education, Social Status, and Health*. New York: Aldine de Gruyter; pgs 122-137, 2003. It is based on Human Capital Theory which conceptualizes education as an investment as it leads to higher productivity.

⁸ Link BG, Phelan J. Social Conditions as Fundamental Causes of Disease. 35. *Journal of Health and Social Behavior*. Pgs 80–94 (1995)

⁹This was based on the theory named Fundamental cause theory which posits that people belonging to lower socio economic status are more prone to health related risks than their counterparts.

Adler NE, Boyce T, Chesney MA, Cohen S, Folkman S, et al.. Socioeconomic status and health: the challenge of the gradient 40. *Am Psychol* 15 pgs 45-50, (1994).

¹⁰ Klein, M., Sosu, E. M., & Dare, S. Mapping inequalities in school attendance: The relationship between dimensions of socioeconomic status and forms of school absence. *Children and Youth Services Review*, pg 118, (2020). <https://doi.org/10.1016/j.childyouth.2020.105432>

¹¹ Entwisle, D. R., Alexander, K. L., & Olson, L. S. Keeping the faucet flowing: Summer learning and the home environment. 25. *American Educator*, pgs 10–15(2001).

¹² Heckman, J. J. Shadow prices, market wages, and laborsupply. 42(4) *Econometrica*, pg 679 (1974) <https://doi.org/10.2307/1913937>

¹³ The Universal Declaration of Human rights: Article 26: 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.

1. 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.
2. Parents have a prior right to choose the kind of education that shall be given to their children.

quality education to all children, has been further endorsed in other international treaties and Conventions.¹⁴

The principles enshrined in the Declaration of the Rights of the Child, formally adopted by the United Nations in 1959, remained an indicative value as most nations did not confirm the same. It was limited in scope and non-binding. Since it was adopted after the world war, it focused more on child rights in terms of the need for special safeguards.¹⁵ However, it paved the way for the Universal Declaration of Children's Rights, which is popularly known as the United Nations Convention on the Rights of the Child (UNCRC), 1989.¹⁶ Although education received recognition as a human right even prior to 1989, it is the UNCRC that recognized the fundamental rights of children, thereby giving legal expression to children's rights.¹⁷ UNCRC specifically focuses on the best interests of the child.¹⁸

Thus, major developments in the international sphere were the adoption of the Convention on the Rights of the Child in 1989 and the subsequent launch of the 'Education for All' movement (EFA) at Jomtien.¹⁹ The 'Education for All' movement was initially launched by UNESCO, UNICEF, the World Bank, the UN Development Programme and the UN Population Fund in the 1990s. However, later at Jomtien, education was recognized as more than mere access to primary education, and it sought

¹⁴ The United Nations Educational, Scientific and Cultural Organization (UNESCO), Convention against Discrimination in Education (1960), The International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination All Forms of Discrimination against Women (1981).

¹⁵ Ramesh Abhinaya, UN Convention on the Rights of the Child, Economic and Political Weekly Vol. 36, No. 22 (Jun. 2-8, 2001), pp. 1948-1950.

¹⁶ United Nations Convention on the Rights of the Child, Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
2. (a) Make 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 such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make 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.

¹⁷ Desai, Murali, Child Protection Rights, in Encyclopaedia of Social Work in India, New Royal Book Company, Lucknow, 2012

¹⁸ See Ramesh, Supra Note 15

¹⁹ World Conference on Education for All, in Jomtien, Thailand, from 5 to 9 March, 1990

to address children's basic needs. It was an international commitment towards a new and broader vision of basic education.²⁰ The World Education Forum was held in Dakar from 26th to 28th April 2000. It adopted Dakar Framework for Action, Education for All: Meeting our Collective Commitments, which was a reaffirmation of the vision of the World Declaration on Education for All adopted at Jomtien in 1990.²¹

In compliance with international requirements, the Indian Constitution also recognized the importance of educational right from its inception. The Right to Education was initially categorized as a Directive Principle of State Policy.²² As education is a state subject, the state governments were expected to bring suitable policies to implement the Right to Education in conjunction with the requirements and needs of each state within a particular time period.²³ An amendment in the year 1976 to the Constitution brought education under the concurrent list, which mandated both the state and central government to bring policy and legislative changes to secure the right to education.²⁴

In addition, Article 46 emphasizes that the States are also under obligation to promote the educational and economic interests of the scheduled caste, scheduled tribes and the weaker sections of society.²⁵ Fundamental rights under the Indian Constitution make elaborate provisions pertaining to the promotion of the educational interests of individuals.²⁶ Education brings about desired political, economic and social change and development. This necessitates equality in terms of access to education, irrespective of differences. Being cognizant of these requirements, the framers of the Constitution

²⁰ Education For All, National Plan of Action, 2003-2015, UNESCO

²¹ Education For All Towards Quality with Equity, India, National University of Educational planning and Administration, New Delhi, August 2014.

²² INDIA CONST Art 41. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

²³ INDIA CONST Art 45. Provision for free and compulsory education for children

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.

²⁴ THE CONSTITUTION (Forty-second Amendment) Act, 1976

²⁵ INDIA CONST Art 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

²⁶ INDIA CONST Art 29(2)- No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

sought to create an equitable²⁷ social framework by prohibiting discrimination.²⁸ Specific provisions were made in the Constitution to prevent denial of admission in state-run or state-aided educational institutions on grounds only of religion, race, caste, language, or any of them.²⁹

The rights of backward classes, including the Scheduled Castes (SCs) and Scheduled Tribes (STs), along with the cultural and educational rights of the Minorities³⁰, have been ably protected and taken care of by the Indian Constitution.³¹

Post-independence, there has been a growing demand for basic education with an increased level of awareness amongst parents and guardians about the importance of education. This has led to infrastructural improvements along with the universalization of elementary education with the introduction of various incentives and schemes. However, glaring inequalities can be witnessed across regions and between gender, caste, class, religious and marginalized groups. Although the literacy rate pan India was 65.4% in 2001, the percentage of children who could read and write varied from 48%

²⁷ INDIA CONST Art 14 in Constitution of India: . Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

²⁸ INDIA CONST Art15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(1)The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

(2)No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-(a)access to shops, public restaurants, hotels and places of public entertainment; or(b)the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3)Nothing in this article shall prevent the State from making any special provision for women and children.

²⁹ INDIA CONST Art 29(2) in Constitution of India

(2)No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

³⁰ INDIA CONST Art 30. Right of minorities to establish and administer educational institutions

(1)All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.(1A)In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.(2)The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

³¹ INDIA CONST Art 29. Protection of interests of minorities

(1)Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.(2)No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

to 91% in Bihar and Kerala, respectively.³² Gender disparities can also be witnessed where the percentage of boys completing primary education is higher than that of girls.³³ Marginalized groups, which include Scheduled Caste and Scheduled Tribes, including religious minorities like Muslims, remain a deprived set of groups in terms of education.³⁴

It was observed in the report of the Kothari Commission that there was widespread segregation of the schools with the economically privileged parents having ability to 'buy' the education, while the children of the masses had to satisfy with the poorly managed schools and sub standard education. This segregation further widened the social gap between the upper class and the masses.³⁵

Educational policies were reviewed and assessed in the light of observations made in the Kothari Commission Report. The Neighborhood School Plan was devised to ensure accessibility of schools to all children in the neighbourhood irrespective of caste, creed, religion, or socioeconomic status. National Policy on Education 1968 stressed upon improvement in the quality of education and equitable availability of educational facilities. However, these suggestions did not improve the situation in the education sphere until the 1990s.

The National Policy on Education (NPE 1986) brought major changes in the educational policy. It tried to improve social and regional imbalance and bring the disadvantaged and the minorities on par with the mainstream. Universalization of education, including universal access, enrollment and retention upto 14 years of age was first stressed upon in NPE (1986).³⁶ Successive government policies and strategies including the National Policy of Education 1986 and 1992 reiterated its commitment to provide free and compulsory elementary education. Judicial interpretation brought the right to education as a fundamental right under Article 21 and paved the way for the 86th Constitutional Amendment in December 2002, which inserted Article 21-A.³⁷ Article 21 A made it

³² Probe Team (1999), Public Report on Basic Education in India, Oxford University Press, New Delhi

³³ NIEPA (2006), 'Elementary Education in India, Analytical Report', National Institute of Educational Planning and Administration, New Delhi.

³⁴ GoI (2006a), Sachar Committee Report 2006, Prime Minister's High Level Committee on Social, Economic and Educational Status of the Muslim Community in India, New Delhi.

³⁵ <https://archive.org/details/ReportOfTheEducationCommission1964-66D.S.KothariReport>

³⁶ National Policy on Education, 1986, point no 12-17, pgs 18-20

³⁷ Unni Krishnan v. State of Andhra Pradesh, 1993 AIR 2178

mandatory for the state to provide free and compulsory elementary education to children between the ages of 6 to 14 years.³⁸ To implement the constitutional mandate, The Right to Free and Compulsory Education Act, 2009, was adopted by the Parliament of India, and the same came into force on 1st April 2010.

Though there is a massive expansion of elementary education post-independence, yet the goal of Universalization of Elementary education is yet to be fully achieved.

1.2. Objectives of the Study

The main objective of the research is to empirically investigate the implementation of the Right to Education Act, 2009, in terms of the Universalization of Elementary Education, which includes Universal Provision, Universal Enrolment, Universal Retention, availability of necessary infrastructure, and effectiveness of Grievance Redressal Mechanism. The other objectives are as follows.

- i. To trace out the growth and development of education in India.
- ii. To assess the evolution of the Right to Education as a Fundamental Right under the Indian Constitution.
- iii. To critically evaluate the legal regime in India in terms of promoting the right to education.
- iv. To provide certain suggestions based on the study.

1.3. Hypothesis

- i. Judicial interpretation, making the right to education a fundamental right, had, over a period, undergone several changes due to legislative interventions and thereby restricted only to children from 6 to 14 years old.
- ii. The RTE Act was enacted to implement the constitutional mandate of the right to education and provide detailed provisions for achieving universalization of

³⁸ INDIA CONST Art 21A. Right to education: 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.

elementary education. However, this goal has not been achieved in the State of Goa due to inadequate infrastructural facilities.

- iii. The lack of state efforts to ensure the availability of schools and enrolment and retention of students has hindered the universalization of elementary education in the State of Goa.
- iv. While inclusive education is part of the universalization of education, there is a lack of detailed norms addressing the needs of Children with Special Needs. Consequently, most schools fail to provide meaningful education to these children.
- v. The Grievance Redressal mechanism provided under the RTE Act, 2009 is aimed at the smooth functioning of the Act. However, lack of clarity and awareness about the role of the Local Authority in redressing the grievances faced by the child make the provision a non-starter.

1.4. Research Questions

- i. To what extent does the Indian Constitution protect the right to education as a basic human right, ensuring the overall growth of a child?
- ii. What is the contribution of the Indian judiciary in securing the right to education as a fundamental right?
- iii. Universalizing elementary education being the core of the right to education under the Right to Education Act, how far was the universalization of elementary education secured in Goa?
- iv. What role do infrastructural facilities play in ensuring the universalization of elementary education?
- v. Given the vulnerability of children with special needs, how effectively are schools equipped to provide inclusive education and ensure these children receive the special attention needed for a meaningful learning experience?

1.5.Methodology

The present study examines the effectiveness of the legislation and its implementation in furthering the right to education as guaranteed under Article 21 A of the Indian Constitution. The Researcher has employed a combination of doctrinal and non-doctrinal methods to ascertain the objectives of the present study.

Doctrinal Method

This includes a comprehensive review of existing literature from primary and secondary sources, including legislations, rules, policy documents, constitutional provisions, international conventions, court judgments, constituent assembly debates, books, articles, reports, case analyses, newspapers, and web resources.

Non-doctrinal:

The empirical study analysis was based on data collected by the researcher through on-site visits to the schools, statistical data collected through government websites, etc. Primary data was collected from Heads of the Institution, Teachers, students and parents through structured questionnaires and interview methods. A random sampling method was used to select the empirical study's sample size. The study was limited to a period of 07 years, from 2014 to 2021. For the collection of data, the schools were divided into four categories.

- i. Government Schools: Data was collected from 6% of a total of 827 government schools by using a random sampling method for the selection of the schools.
- ii. Government Aided Schools: Data was collected from 10% of a total of 517 Government Aided schools by using a random sampling method for the selection of the schools.
- iii. Private (Unaided) Schools: Data was collected from 15% of a total of 138 Private (Unaided) schools by using a random sampling method for the selection of the schools
- iv. Navodaya/Kendriya Vidyalaya Schools: Data was collected from 30% of a total of 07 Navodaya / Kendriya Vidyalaya schools in the state of Goa by using a random sampling method for the selection of the schools.

Other Stake Holders:

Similarly, the research was conducted with a 20% random sampling from 191 Village Panchayats in the state of Goa.

- i. Data was collected from 122 Heads of the Institution, which formed part of the empirical study.
- ii. In each institution that was part of the empirical study, ten teachers were selected by random sampling, and the data was collected through a structured questionnaire.
- iii. Similarly, the sample size for the parents was selected through convenience Sampling, adequately representing both the districts of Goa and equitably distributed in urban and rural areas. Data was collected from 150 parents of children studying at the elementary level through a structured questionnaire.
- iv. Data was collected through unstructured interviews from 70 children selected through convenience Sampling, which included 2% of children with special needs who were studying in an inclusive environment.
- v. Separately, data was collected for 20 Children with Special Needs who were not part of inclusive education but were studying in Special Schools.

1.6. Statement of the problem

Universalization of elementary education is one of the goals or objectives of the Indian educational system. By virtue of provisions under the Constitution and being signatory to the international conventions, India is committed to the goal of universalizing elementary education for all children up to the age of 14. In keeping with this promise, several initiatives were taken through national educational policies and by launching of various schemes to promote education for all.³⁹ Similarly, Indian Parliament enacted the Right to Free and Compulsory Education Act of 2009, in congruence with the Eighty-sixth Constitutional Amendment Act of 2002. Elementary Education is the first level of education to which a child is formally exposed. It comprises two categories.

³⁹ These initiatives include: Rashtriya Madhyamik Shiksha Abhiyan (RMSA), Samagra Shiksha Abhiyan, Operation Balckboard, Mid Day Meal Scheme etc

One is the primary level, from class I to V, and the upper primary, which comprises the VI to VII classes.⁴⁰

Universalization of elementary education means 100 per cent enrollment and retention of children with schooling facilities in all habitations.⁴¹ It implies “Elementary education for all” (class I to VIII) and for every child without any kind of discrimination on the basis of caste, creed, sex, religion, region etc. It accepts the principle that education is the birthright of every child.⁴²

Universalization of elementary education in India involves three conditions, namely:

- a. Universalization of provision
- b. Universalization of enrollment
- c. Universalization of Retention

1.6.1 Universalization of Provision

It denotes easy availability of school facilities for all children from age group of 6 -14 years. In addition to it, it requires the school to be accessible preferably within walking distance of a child. The figures of the 8th All India Survey reveal that there are 11,37,833 habitations in the country out of which only 10,37,833 (91.21%) habitations have primary education facilities within a walking distance of 1 km.; including 7,54,406 (66.30%) habitations which have these facilities within the habitations itself. From the population point of view only 83,68,82,700 (96.19%) rural population have access to primary stage education facilities within a walking distance of 1 km., including 73,76,75,159 (84.79%) population which has these facilities within the habitations itself.⁴³

⁴⁰ Dar, Parvaiz. Universalization of Elementary Education: Challenges, Issues and Efforts.11. IARS' International Research Journal. 18-23.(2021). 10.51611/iars.irj.v11i2.2021.165.

⁴¹ Dr. Sarma Nirmala, Universalisation of Elementary Education among Tea-Tribe of Assam with special reference to Jorhat District, Assam State Commission for Protection of Child Right Guwahati, Assam

⁴² Ayyar, Vaidyanatha R.V. The Holy Grail: India's Quest for Universal Elementary Education, New Delhi: Oxford University Press(2016).

⁴³National Council of Educational Research and Training, Eighth All India School Education Survey (8 AISES), 10, 30 September 2009, [Prelims.cdr](#)

1.6.2 Universalization of Enrollment

Along with availability of schools, there is a need to enroll all the children to the school in order to achieve the motto of Education for All. This implies that the enrollment ratio in all times need to be 100%. Gross Enrollment ratio (GER) refers to the student's enrollment corresponding to the age group in a given year. According to UDISE 2018 - 19 (provisional), the Gross enrollment ratio is 93% in primary, 90% in upper primary and 80% in secondary.

The Annual Status of Education Report (ASER) is conducted annually by Pratham while the central government conducts the National Achievement Survey every three years. These reports reflect the status of the education system including enrollment rate and learning levels. ASER report 2020 revealed that there is decline in enrollment rate post covid 19 pandemic. Around 53% of rural children from the age group of 6 – 18 years did not enroll in school compared to 1.8 % in 2018.⁴⁴

1.6.3 Universalization of Retention

The aim of Education is once a child is enrolled, he/she needs to complete the entire level of elementary education. Thus, the major task is to retain a child throughout till the completion of primary schooling.

The act of a student withdrawing from an educational institution before the completion of a course is referred to as a dropout. Although the percentage of students enrolled has increased since the RTE Act, 2009 was implemented in 2009, it has failed to address the issue of dropouts. The national dropout rate at the primary level was 4.34 percent in 2014–15, according to data released by the Ministry of Human Resource Development (MHRD), and it was significantly higher at the secondary level, at 17.86 percent.⁴⁵

Dropout rates are high for a variety of reasons, including poverty, child marriage, and a lack of infrastructure, such as drinking water and toilets.⁴⁶ People are hesitant to prioritise a child's education due to poor family circumstances. Children drop out of

⁴⁴Annual Status of Education Report (Rural) Wave 1, ASER 2020 Wave 1 – Rural, 19, February 1, 2021aser2020wave1report_feb1.pdf

⁴⁵ Ministry of Human Resource Development, Government of India, Annual Report 12 2014-15.

⁴⁶Garg, Mausam & Chowdhury, Poulomi & Sheikh, Illias. Determinants of school dropouts in India: a study through survival analysis approach. 26 Journal of Social and Economic Development. (2023). . 10.1007/s40847-023-00249-w.

school because of a lack of educational opportunities and accessibility. As the distance between home and school grows, parents believe it is unsafe for children, particularly girls, to travel long distances.⁴⁷

1.6.4 Infrastructure and Safety Measures

School infrastructure can have a significant impact on both teacher and student results. School facilities have an impact on students' health, behaviour, engagement, learning, and achievement growth.⁴⁸ Students feel comfortable and excited when the facilities including infrastructure is in optimal condition, thereby facilitating learning process.⁴⁹ Studies have shown that infrastructure facility is directly correlated with enhanced learning abilities.⁵⁰

Many educational institutions in India do not have adequate infrastructural facilities. Inadequate infrastructural facilities have affected the enrollment of students in schools. According to the ASER Report 2016, around 3.5% schools in India had no toilet facilities. Only 68.7% of schools had usable toilet facilities. There was a decline in the library facility from 78.1% in 2014 to 75.5% in 2016.⁵¹ Drinking water facility was available in only 74.1% schools while only 64.5% of the schools had playground.⁵²

1.6.5 Inclusive Education

Inclusive Education denotes the policy where all children irrespective of any differences either physical or mental, study together in a conducive environment which fosters equitable learning.⁵³ It is antithetical approach to segregated mode of learning which aims to segregate children with disabilities from the mainstream.⁵⁴

⁴⁷ Khan, Aiyaz& Samad, Abdul. (2022). A Study of Factors Affecting Boys' Dropout. Research Review International Journal of Multidisciplinary. 7. 27-35. 10.31305/rrijm.2022.v07.i08.005.

⁴⁸Nugroho, Anang& Budi Wibowo, Udik. (2020). The Influence of School Infrastructure on Student Learning Activeness: A Research Study. 10.2991/assehr.k.200129.076.

⁴⁹Lawanson, O. A., & Gede, N. T. (2011). Provision and management of school facilities for the implementation of UBE programme. Journal of Educational and Social Research, 1(4), 47-55

⁵⁰Barrett, Peter & Shmis, Tigran. The Impact of School Infrastructure on Learning: A Synthesis of the Evidence, World Bank Group,. 10.1596/978-1-4648-1378-8, 2019

⁵¹Annual Status of Education Report (Rural) 2016, January 18, 2017.

⁵² Dr.Rubee Singh, Issues & Challenges of Indian Education System in current scenario, vol 8, Issue 02, International Journal for Innovative Engineering and Management Research, Pages 9 -18

⁵³<https://www.unicef.org/education/inclusive-education>, last visited on 27th January 2023

⁵⁴ See Nugroho, Supra Note 48

In India, the Constitution also endorses the same principle. Although considerable progress has been made to achieve the present goal, statistics reveal that around one third of the 67 million children are still out of school on account of disability and there is continual increase in out of school disabled children.⁵⁵

Universalization of education and Education for All movements cannot be achieved without providing access to education for disabled children. In India, disability acts as a major limitation in achieving education for all. Studies reveal that involvement of disabled children in school accounts to only 70% which is below the national average of 90%.⁵⁶

According to UNICEF (2003), although efforts are being taken by various governments to improve enrollment and retention rate in schools, the efforts seem to be concentrated in big cities only. The children from rural areas remain deprived of the basic educational facilities. Lack of trained personnel further acts as deterrent in achieving goal of inclusive education for children with special needs.⁵⁷

1.6.6 Grievance Redressal Authorities

The State Commission for Protection of Child Rights has been vested with powers under Goa RTE Rules 2012 to examine and review the safeguards for rights provided by or under RTE Act and recommend measures for their effective implementation; to inquire into complaints relating to child's right to free and compulsory education; and to take necessary steps as provided under Commission for Protection of Child Rights Act, 2005. Similarly, any person having any grievance relating to the right of a child under the RTE Act can make a written complaint to the local authority having jurisdiction.

⁵⁵All in School, Global Initiative on out of school children, A Situational Study of India, 2 UNICEF, 2014.

⁵⁶ Murali Kanrathi Et Al, Educational Status of Disabled Children In India, October, 2021

⁵⁷ <https://www.unicef.org/media/84791/file/SOWC-2003.pdf>, last visited on October 2022

Study has shown that the pendency of cases is too high compared to its timely disposal. Similarly, it is found that the mechanism is non-complainant-centric as the complainant is not regularly updated about the status of complaints received.⁵⁸

In view of the above, it becomes imperative to analyze the functioning of the grievance redressal mechanism since the availability of rights without consequent relief for violation negates the very fundamentals of the right guaranteed.

In spite of judicial precedent and legislation, Education in India has been unable to reach out to people and hence remains a neglected area. Although there is improvement in the universalization of education, there is a need to verify the current status of elementary education in Goa, as not much research is done in this regard within the state of Goa. It, therefore, becomes imperative to conduct research to identify the status of elementary education in Goa with reference to the elements of the Universalization of Elementary Education and various ways by which it can be improved in a better and more conducive manner. The researcher intends to conduct research within the state of Goa pertaining to the lacuna in the law and the implementation of fundamental rights by various functionalities.

1.7. Literature Review

Various Books, Articles and Reports were reviewed to ascertain the status of research carried out under the concept of the right to education in India.

Manabi Majumdar and Jos Mooij⁵⁹ provide in their book a critical examination of how educational inequality manifests in the Indian context, particularly within elementary education. Drawing from fieldwork and classroom observations, the authors explore the interplay between systemic disparities, socio-economic factors, and institutional practices that perpetuate inequality in schools.

⁵⁸ Jannat Fatima Haider, Complaint Redressal and Awareness Generation: A two-pronged strategy for implementation for Right to Education Act, 2009 in India, Vol. 4(7), Research Journal of Educational Sciences, 9-17, E-ISSN 2321-0508, August (2016),

⁵⁹ See Majumdar, M., & Mooij, J. (2011). Education and Inequality in India: A Classroom View (1st ed.). Routledge. <https://doi.org/10.4324/9780203810217>

The book highlights the wide gaps in access to quality education between urban and rural areas, as well as among different socio-economic and caste groups. It emphasizes how structural inequalities, such as poverty, caste discrimination, and gender bias, directly influence enrollment, attendance, and learning outcomes. The authors argue that while government policies like the Right to Education Act and schemes such as the Sarva Shiksha Abhiyan have increased access to schooling, they often fail to address deep-rooted inequities within the classroom.

A significant focus of the book is on the experiences of marginalized children, including Dalits, Adivasis, and girls, who face systemic exclusion and neglect in schools. It sheds light on teacher attitudes, classroom dynamics, and the curriculum, which often reinforce rather than mitigate inequality. The authors also critique the lack of accountability in the education system and the inadequate infrastructure and resources in government schools.

Majumdar and Mooij ultimately call for more inclusive and equitable education policies that address both structural barriers and classroom-level practices. They emphasize the need for reforms in teacher training, curriculum design, and resource allocation to ensure that education serves as a tool for social mobility and empowerment rather than perpetuating existing inequalities.

The book edited by P. Jha and P.G. Rani⁶⁰ provides a comprehensive analysis of the Right to Education (RTE) Act, 2009, examining its implementation through the lenses of resource allocation, institutional mechanisms, and public policy. It highlights challenges such as inadequate funding, poor infrastructure, lack of trained teachers, and regional disparities, which hinder the Act's effectiveness, particularly for marginalized groups like Dalits, Adivasis, girls, and children with special needs. The book emphasizes the importance of equitable resource distribution, decentralized governance through School Management Committees, and public-private partnerships, advocating a shift from enrollment-focused goals to meaningful learning outcomes. By blending insights from economics, sociology, and education, it underscores the need for sustained

⁶⁰ See Jha, P., & Rani, P.G. (Eds.). (2015). *Right to Education in India: Resources, institutions and public policy* (1st ed.). Routledge India. <https://doi.org/10.4324/9781315666440>

political will and systemic reforms to address structural inequalities and achieve the RTE's vision of inclusive, quality education for all.

Jandhyala B.G. Tilak's⁶¹ book provides an in-depth analysis of India's efforts to achieve universal elementary education, critically evaluating policies, practices, and systemic challenges. The book explores the historical evolution of educational initiatives like Sarva Shiksha Abhiyan, Operation Blackboard, and the Midday Meal Scheme, highlighting their successes and limitations. Tilak emphasizes the need for increased public investment, equitable resource distribution, and greater accountability to address issues such as inadequate funding, poor infrastructure, teacher shortages, and disparities affecting marginalized groups. Advocating for a focus on quality education and learning outcomes rather than mere enrollment, the book underscores the importance of robust policy frameworks and sustained efforts to ensure inclusive and equitable elementary education in India.

Neena Dash's⁶² book offers a comprehensive guide to the philosophy and practices of inclusive education, emphasizing equal access to quality education for all children, regardless of their abilities or differences. The book highlights the core principles of inclusion, underscoring the need for educational spaces that celebrate diversity and accommodate every learner's unique needs. It identifies challenges such as insufficient teacher training and resistance to change, offering practical strategies like individualized education plans (IEPs), adaptive teaching techniques, and assistive technologies to overcome these barriers.

Dash places particular emphasis on the role of teachers and schools in fostering inclusive classrooms through flexible teaching methods, peer learning, and supportive attitudes. Collaboration among educators, parents, policymakers, and communities is crucial to ensure holistic development for children with special needs. By drawing on global practices and case studies, the book provides actionable insights for effective implementation in India. Concluding with recommendations for systemic reforms, teacher training, and societal awareness campaigns, it serves as a vital resource for

⁶¹ See Tilak, Jandhyala B.G, "Elementary Education in India: Policy and Practice", 1st Edition, SAGE Publications Pvt. Ltd, 2021. <https://doi.org/10.4135/9789354793011>

⁶² See Dash Neena, Inclusive Education for Children with Special Needs, Atlantic Publishers & Distributors (P) Ltd; Edition (19 September 2024); Atlantic Publishers & Distributors (P) Ltd.

bridging the gap between policy and practice, creating an environment where all children feel valued and supported.

Weber⁶³ (1989) and Rumberger⁶⁴ (2001) invariably outlined three major reasons responsible for dropout of children from schools. These include: 1) Family reasons, 2) School reasons and 3) Personal reasons. Family related reasons include divorce or separation of parents, single parent or socio-economic status of the family. School related reasons can be in the nature of inadequate academic achievement, lack of interest in studies or school work, while personal reasons can be attributed to behavioral problems, or certain circumstances including marriage.

Ramchandran and Saijhee⁶⁵ (2002) hold family attributes like family income, socio economic status, caste are determinant factors contributing to the dropout of the school children.

According to Sandhill and Singh⁶⁶ (2005) concluded that most of the schools under study adopted a special school model instead of inclusive model. The schools had the tendency to segregate the children with special needs in special unit instead of combining them with the mainstream children. It was further affirmed that this mandated adequate training for the teachers and the school authorities for successful implementation of Inclusive Education.

In her study, Katharine Giffard-Lindsay⁶⁷ concluded that majority of children with disabilities do not attend any type of educational institutions even though their total population accounts to only 2.5 to 6% approximately. Similarly, it further highlighted ineffectiveness of policies to achieve the goal of Education For All, inspite of education being declared as the fundamental right by the 86th Constitutional amendment.

⁶³ See James M Weber, Identifying Potential Dropout: A Compilation and Evaluation of Selected Procedure, Centre on Education and Training for Employment, Columbus, Ohio, 1989

⁶⁴ See Russell W. Rumberger, Why Students Drop out of School and What can be done, paper presented at a conference in Harvard University, 2001

⁶⁵ Ramachandran & Saijhee, The New Segregation: Reflection on Gender and Equity in Primary Education, 37 (7), Economic and Political Weekly, 1600-13, 2002

⁶⁶ See Sandhill, A. and Singh, A. (2005) Inclusion: Some Emerging Directions in the Indian Context. Paper presented at the Inclusive and Supportive Education Congress 2005, University of Strathclyde, Glasgow.

⁶⁷ See Katharine Giffard-Lindsay, Inclusive Education in India: Interpretation, Implementation, and Issues, Consortium for Research on Educational Access, Transitions and Equity, September 2007

Govinda and Bandyopadhyay⁶⁸ (2008) conducted a comprehensive analysis of access to elementary education in India. Their study reveals significant progress in several areas, including the expansion of school infrastructure, improved facilities, and near-universal enrollment at the elementary level in many regions. The government has also implemented various programs and strategies to enhance community involvement in reforming the education governance system.

However, despite these advancements, persistent challenges remain. Inequities in coverage and participation continue to exist, particularly with respect to gender, social groups, and the rural-urban divide. Rural areas face additional obstacles, including high rates of teacher absenteeism and inefficient utilization of teaching resources. These issues highlight the need for targeted interventions to address the remaining gaps in India's elementary education system.⁶⁹

In another study, the 'District Information System for Education' (DISE) data of 2006-07, 2007-08, 2008-09 and 2009-10 was reviewed and analyzed. The study assessed the progress of elementary education in India based on four basic indicators. 1) School based indicators, 2) facility Based Indicator 3) Teacher Related indicators and 4) enrollment-based indicators.⁷⁰ It concluded that though significant progress has been made towards the goal of universalization of education in India, yet there is need of more stringent measures and policies to achieve the target. Varying degrees of improvement is required with respect to increase in enrollment and retention rate which will ensure universalization of education in India. Teacher – pupil ratio still needs improvement which calls for more recruitment of teachers.⁷¹

Kumar and Rastogi⁷² (2010) argue that four distinct features of the elementary education system in India since independence have remained incomplete enrolment, inequalities, poor quality, and ineffective school performance. Authors have also mentioned six areas

⁶⁸ Govinda, Rangachar & Bandyopadhyay, Madhumita. (2008). Social exclusion and school participation in India: Expanding access with equity. PROSPECTS. 40. 337-354. 10.1007/s11125-010-9160-8.

⁶⁹ Ibid

⁷⁰ Geeta Menezes, Sarva Shiksha Abhiyan and Educational Development, 5, Research Horizons, 45-53, 2015

⁷¹ <https://www.data.gov.in/>, accessed on July 2017

⁷² Shruti Kirti Rastogi & Dr. Dinesh Kumar, Status of implementation of the Right of Children to Free and Compulsory Education Act with reference of Inclusive Education elementary schools: A Study, Journal of University of Shanghai for Science and Technology, ISSN: 1007-6735

for public action which need attention to achieve universalisation of education at elementary level. These areas are- stronger advocacy of universalisation of elementary education, restoration of dignity to the profession of teaching, strengthening of after school programmes and extra-curricular activities, exploration of not-for-profit schooling models in backward and remote areas and a lot more systematic research especially independent reporting and evaluations on a number of issues. Authors suggest that more structural reforms, greater policy clarity and better public reasoning can go a long way in overcoming the hindrances in the path of free, compulsory and quality elementary education to all children.

Raju and Singh⁷³ (2011) argue that educational development cannot be measured with a single indicator as it is a multidimensional indicator and highlight the need for a composite index combining development in different dimensions. An inter-state comparison on the basis of a composite index at the elementary level is performed. It reveals that Kerala stands first with respect to elementary education as a whole while Tamil Nadu has the highest level of educational development at the primary level.

Roy Chandan⁷⁴(2011) is of the opinion that dropout is a major issue affecting the primary education in the State of Uttar Pradesh. The dropout rate is rampant amongst the scheduled caste students. This makes it imperative to reconsider and revise the policies governing the educational system.

Chugh Sunita⁷⁵ (2011) Risk factors related to dropout in India include poverty, uneducated parents, family background or domestic problems. Unfriendly school atmosphere, continuous absenteeism, attitude or behaviour of teachers further contribute to the problem.

Jain and Mittal⁷⁶(2011) tried to examine the effectiveness of Sarva Shiksha Abhiyan (SSA) on the one hand and also assessed the level of awareness and satisfaction of

⁷³ B.M.K. Raju & Avtar Singh, Educational Development in India at Elementary Level— An Interstate Perspective, Vol. 49, No.2, Indian Educational Review, July 2011

⁷⁴ Roy, Chandan, A study on the dropout problem of primary education in Uttar Dinajpur, West Bengal, India, 2019. Online at <https://mpra.ub.uni-muenchen.de/40319/>, last visited on November 2022.

⁷⁵ Sunita Chugh, Dropout in Secondary Education: A Study of Children living in slums of Delhi, National University of Educational Planning and Administration, 2011

⁷⁶ Sakshi Jain and Meenakshi Mital, Assessment of 'Sarva Shiksha Abhiyan' in Sarvodaya Schools of Delhi, Vol. 49, No 2, Indian Educational Review, July 2011

different stakeholders (teachers, students, parents etc.) regarding selected components of SSA. It was observed that despite varying degree of implementation of centrally funded schemes across states, considerable success has been achieved in terms of reduction in out of school children in the age group of 6-14 years as well as in dropout rates on the one hand and drastic increase in enrolment ratio at the elementary level on the other hand. At the same time, it is suggested that efficacy of these schemes can be improved by increasing awareness about the programmes along with increasing allocation of funds for teaching-learning material as well as by providing funds to NGOs who are partners in the programme in order to smoothen the functioning of the schemes.

Bordoloi ⁷⁷(2011) observed that although education in India has made significant progress in various spheres including Gross enrollment, availability of schools within a radius of 1 km, gender gap in the literacy rate, yet the target set has not been achieved. The objectives of Sarva Shiksha Abhiyan to achieve five years of primary schooling by 2007 and eight years of elementary schooling by 2010 by all the children, have not come into reality. Still there are a significant number of dropouts at the elementary level.

Rupon Basumatary⁷⁸ (2012) suggested that certain policy decisions including poverty elimination, improvement of school infrastructure and employment of trained teachers will help to mitigate the problem of dropouts in India.

According to Jitendra⁷⁹ (2016), factors which affect the inclusive education in India are inadequate trained personnel, inadequate infrastructure and lack of administrative report.

(Panigrahi 2018)⁸⁰ study indicated that the mid day meal scheme has no relation with enrolment of children. However it played a pivotal role in boosting the attendance of the

⁷⁷ Ritimoni Bordoloi, Challenges in Elementary Education in India: Various Approaches, Vol 2, No 7, Journal of Education and Practice, ISSN 2222-1735 (Paper) ISSN 2222-288X (Online) 2011

⁷⁸ Rupon Basumatary, School Dropout across Indian States and UTs: An Econometric Study, Vol. 1(4), 28-35, International Research Journal of Social Sciences, December (2012), ISSN 2319–3565

⁷⁹ Jitendra, A., Dipipi, C. M., & Perron-Jones, N, An Exploratory Study of Schema-Based Word-Problem—Solving Instruction for Middle School Students with Learning Disabilities: An Emphasis on Conceptual and Procedural Understanding, 36(1), The Journal of Special Education, 23-38. 2002 <https://doi.org/10.1177/00224669020360010301>, last visited on October 2022.

⁸⁰ Dr. Akshay Kumar Panigrahi, Mid-Day Meal In School And Its Impact On Educational System: A Study Of Balasore District In Odisha, Volume 7 Issue 05 Ver. III, International Journal of Humanities and Social Science Invention, PP.01-12, May. 2018 (IJHSSI) ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714

students for government schools. Majority of the government primary teachers were of the opinion that Mid Day Meal scheme is crucial to achieve universalization of education in India. Reduction in the dropout rate was also associated with introduction of Mid Day Meal Scheme.

Study was conducted in six districts of the state of Chattisgarh to assess the impact of Mid-Day Meal Programme on school enrolment and retention. It was observed that there was positive change and improvement in certain parameters including enrollment, retention, attendance and enhancing the learning ability of the children by providing necessary nutritional support. There has been marked improvement in Gross enrollment Ratio and Net enrollment ratio in primary and upper primary schools influenced by the introduction of the Mid Day Meal Scheme.⁸¹

Augustine, Jeyaseelan, Stephen⁸² (2020) held that the dropout rate was highly influenced by socio economic factors. Students from lower socio-economic backgrounds were more likely to discontinue studies. However, peer status had a negative impact on the dropout rate.

According to Azim Premji Foundation⁸³, (2004) it analysed the role of various factors facilitating and hindering the growth of primary education in India. The factors based on sociocultural, economic and socio-demographic areas were analyzed. The study suggests that various governmental and non-governmental interventions in the area over the last half a century has led to improved provision of schooling, rising enrolments, higher gender equity and literacy levels which indicates progress towards universalization of elementary education. After half a century of efforts, primary education in India suffers from various problems such as high drop-out rate, irregular attendance etc. Role of economic factors play an important role as the study suggests that poverty hinders enrolment and continuation of education in rural India.

⁸¹ Study of Impact of Mid-Day Meal (MDM) Programme on School Enrolment & Retention, Final Report August 2014 State Council for Educational Research & Training (SCERT), Chhattisgarh. Microsoft Word - MDM Chattisgarh Final Report Last visited on 30/07/2021)

⁸² Maningba Augustine L, Dr M Jeyaseelan, A Stephen, Factor associated With School Dropout: A Sociological Study Among The Maram Naga Primitive Tribe, Manipur, Vol 9 Issue 1, International Journal of Scientific & Technology Research, January 2020.

⁸³ The Social Context of Elementary Education in India, Azim Premji Foundation, October 2004

Government of India (2007) India's Eleventh five-year plan document mentions that the role of education in facilitating social and economic progress is well critical as education helps individual development especially youths and empowers people with skills and knowledge. Accordingly, it makes them eligible for productive employment in the future. Further it is mentioned that education increases efficiency and it also improves the overall quality of life.⁸⁴

Research findings (2010) of Pratichi trust of Prof. Amartya Kumar Sen⁸⁵: Unlike many other Government programmes, implementation of MDM has been a success throughout the country. Though the quality of food needs to be improved, it must be said that with active participation of the beneficiaries, it has become a community programme. The quick response of the state administration in amending the shortcomings indicates that the administration is gradually becoming aware of this.

The major findings of the PROBE (Public Report on Basic Education) Report indicated that 84% of households reported that the children get cooked mid day meals in schools and children enjoy a varied menu. Good practices like washing hands before eating, & after eating are imparted in the schools. Incentives like MDM have contributed to improving enrolment rates.⁸⁶

Annual Status of Educational Report⁸⁷, ASER (2019), conducted surveys in 26 districts across 24 states in India and covered 1514 villages, 30425 households and 36930 children in the age group of 4 – 8 years. It was observed that more than 90% of children in the age group of 4 – 8 years were enrolled in some type of educational institutions, the percentage increased with the years, with 91.3% amongst 4-year-old to 99.5% amongst 8 year old enrolled in the educational institutions. Enrollment was however not age specific as in the age group of 5 years, 70% were enrolled in anganwadis or pre-primary and 21.6% were enrolled in standard I. while in the age group of 6 years, 32.8% were enrolled in anganwadis or pre-primary, 46.4 were enrolled in standard I and remaining 18.7 % were enrolled in standard II.

⁸⁴ GOI, Eleventh Five Year Plan, 2007-12

⁸⁵ Manabesh Sarkar & Kumar Rana, Roles and Responsibilities of the Teachers' Unions in the Delivery of Primary Education: A Case of West Bengal, Pratichi Occasional Paper No. 3, December 2010

⁸⁶ De, Anuradha; PROBE Team (India), Probe revisited : a report on elementary education in India, 2011

⁸⁷ Annual Status of Educational Report, 2019

The study also highlighted the difference in enrollment amongst Boys and Girls. Higher proportion of girls were enrolled in the government schools i.e 56.8% as against boys which is 50.4%. On the other hand, enrollment for the boys was higher in private schools i.e. 49.6% as against girls which is 43.2 %.⁸⁸

The examination of relevant literature for the current study sheds light on the different studies carried out in relation to the different components of universalization of elementary education. It was discovered that there are persistent issues relating to dropout or out of school children in addition to absence of infrastructural facilities. The goal of the 86th Constitutional Amendment along with the RTE Act is to guarantee Education for All regardless of any differences, yet it cannot be assumed that the legislative framework has eliminated every drawback. The majority of research has been done to comprehend its awareness and implementation issues.

However, comprehensive research has so far not been conducted covering all the major elements of Universalization of Elementary Education regarding the state of Goa. As such, the present study becomes imperative to identify the status of elementary education in Goa pertaining to the universalization of education and the effectiveness of the grievance redressal mechanism to provide consequent relief in violating the right. This study aims to assess the effective implementation of the fundamental right to education in Goa through various functionaries and stakeholders

1. 8. Scope and Limitation of the study

The right to education as a fundamental right is a vast concept that includes various criteria. The scope of the present study is limited to one such criteria, namely the Universalization of Elementary Education (UEE). This concept further explores the universalization of enrolment, the Universalization of provision for schools and the dropout and the retention rate amongst children at the elementary level of education. Similarly, infrastructural requirements and provision for Mid-Day Meals are considered to be one of the means to achieve the objective of Universalization of Elementary Education. Hence, in the present study, the researcher attempts to evaluate availability of infrastructure in the schools and the role of Mid-Day meal in achieving the object of

⁸⁸ Ibid

UEE. In the second element, the researcher analyses the effectiveness of grievance redressal authorities in the field of right to Education.

Fundamental Right to education is a vast concept. Many factors and criteria come within the ambit of fundamental rights for its successful realization. The Researcher has identified certain factors or criteria necessary for the effective realization of the fundamental right to education. These criteria are not exhaustive and on account of limitations with regard to time and resources, the Researcher has limited the number of criteria for the present study. The researcher mainly focuses on the Universalization of education in Goa and the effectiveness of grievance redressal authorities as the factors under present research.

Secondly, the present study is limited to the state of Goa. Thirdly, the researcher has identified representative samples only from Primary and secondary schools, thereby excluding middle schools from the present research.

1.9 Scheme of the Study

The present thesis is divided into five chapters.

Chapter one is the introduction to the thesis. It elaborates the meaning and the need for elementary education for the holistic development of a child. The chapter further sets out the objectives of the study, hypotheses, research questions, scope, and limitations. It further highlights the problems and drawbacks of the current educational system in India by reviewing different literature pertaining to the area in the study. Due emphasis is also provided to the methodology adopted to conduct the empirical study of the thesis.

The second chapter traces the educational journey in India by assessing its historical background. Beginning with the system of education followed in Vedic and post-Vedic times, it further explores the growth of education in the Buddhist and Medieval periods in India. A specific comparative analysis is carried out to comprehend the nuances of the education system under each era and how it differed from the other. The growth and development of education is further assessed in British and post-independent India by evaluating the nature of rights from mere legal right to the fundamental right guaranteed under the Indian Constitution.

The third chapter focuses on the legal aspect of Right to Education under the judicial precedents and legislations. It evaluates various landmark decisions of the Supreme Court and High Courts, which were instrumental in shaping the future of the educational system in India. Further, it highlights various salient features of the legislative framework guaranteeing India's free and compulsory elementary education.

The implementation of the Fundamental Right to Education in schools with a special focus on various schemes and policies, including the substantive provisions of The Right to Education Act, 2009 is critically examined in the fourth chapter through empirical analysis. The empirical analysis focuses on implementing the fundamental right to education through stakeholders with reference to the elements of universalising elementary education. It critically examines the availability of schools, enrollment ratio, dropout and retention rates, infrastructural requirements and the status of Inclusive education in the state of Goa. It also explores the efficacy of the grievance redressal mechanisms in satisfactorily remedying the violations of the right to education.

Chapter five concludes the findings of the study and puts forth certain suggestions for improvement and better implementation of elementary education in the state of Goa.

Chapter 2

History of Elementary Education in India

2.1 Introduction

Education is a fundamental tool for shaping individuals and society, driving change in social, cultural, political, and economic aspects of life. It is as essential as basic needs like food, clothing, and shelter. The Right to Education is considered a Right to Life, and it underpins the exercise of other civil, political, economic, and social rights. Education, particularly at the elementary level, is crucial for personal, social, and national development, and it plays a key role in combating discrimination and providing opportunities, especially for children.

In India, elementary education forms the foundation of the entire education system and is essential for democratic functioning, economic development, and modernization. It is a key tool for ensuring equality of opportunity. The Universal Declaration of Human Rights (1948) recognizes the right to education⁸⁹, and this principle has been reaffirmed by international treaties.⁹⁰ In India, the Constitution guarantees free and compulsory elementary education, with a focus on universalizing education for all children, regardless of caste, creed, or background.⁹¹

Elementary education in India spans from Class I to VIII (ages 6-14), with two stages: primary (Class I-V) and upper primary (Class VI-VIII).⁹² It is considered vital for building literacy, democratic institutions, and economic development. Universalization of Elementary Education (UEE) aims to ensure that all children, including those from disadvantaged groups, have access to free and compulsory education. UEE focuses on three key areas: provision, enrollment, and retention.

Since 1950, the Universalisation of Elementary Education has been a national goal, supported by the Indian Constitution, which envisions free and compulsory education for children up to the age of 14.

⁸⁹ UDHR, Article 26: Everyone has the right to Education.

⁹⁰ International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of the Child (1989).

⁹¹ INDIA CONST, Art 21-A: 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.

⁹² <https://www.distanceeducationju.in/>

The chapter on the history of education in India offers a comprehensive overview of the evolution of the educational system, from its ancient beginnings in Vedic times to the present-day structure. It traces the development of education through different historical periods, highlighting the transition from the oral tradition of the Vedas to the establishment of formal learning centers during Buddhist and Muslim dynasty rule. The impact of colonial rule on the education system, along with the introduction of Western-style schooling, is also examined. Post-independence, the chapter focuses on the efforts made to universalize education, particularly elementary education, and the policies that have shaped modern India's educational landscape. By understanding this historical progression, the chapter provides insights into the challenges and achievements that have defined the educational journey in India.

2.2 Education during Vedic times

Education in ancient India was primarily based upon Vedas as such it was called as Vedic Educational System. Ancient India has been known for its philosophy and centers of learning. Religion has played an important role in moulding the facets of early education in India.⁹³ The early traces of education in India can be found in Vedic times where education was primarily based on Vedas. Vedic education in India covered the time period between 1500 and 1000 B.C.⁹⁴ Education held an important place in society during the Vedic era. Education was more in the nature of sacred and pious and it attached utmost importance to the learning of the Vedas and the religious scriptures.⁹⁵ Guru and the disciple shared a friendly relationship and the mode of learning practiced was more of self-learning or swadhyaya. Vedic period gave equal importance to the education of women on par with men.⁹⁶

According to Dr. P.N.Prabhu, “ Education in ancient India was free from any external control like that of the state and government or any party politics. It was the king’s duty to see that the learned pundits pursued their studies and performed their duty of imparting knowledge without interference from any source whatsoever.”⁹⁷ Education during Vedic times was imparted in so called Gurukulas - which were basically situated

⁹³ N.Jayapalan, History of Education in India, pgs 76 – 81, Primemax Books, January 2023

⁹⁴ Altekar, A.S, ‘Education in Ancient India, pgs, 112-120, Nand Kishore Publishers, Varanasi, 1965, 6th Edition.

⁹⁵ Dr. P Kumari (2017) Education system in vedic period, pgs 72 – 80.

⁹⁶ Disha. (2011). Development of education during vedic period in India, pgs 25-30

⁹⁷ Tripathi, R. RS. (1971) “History of Ancient India”, pgs 101-123, Orient Publication, Delhi

amidst the hills and jungles where the Gurus converted their homes into the learning centers. The serene environment further maintained the sanctity of the education.⁹⁸

Vedic Educational System is marked by various rituals performed upon the students. The first and foremost sanskara(ritual) was called as Vidyarambha or Aksharasvikaranama meaning beginning of education. This ritual was performed at the fifth year of the boy child on an auspicious day in the Uttarayana(i.e from January to July). This ritual required the young boy to worship Goddess Saraswati and Lord Ganesh alongwith the family deity which was followed by worship of the Guru or the primary teacher. Thereafter, the student was handed back to the guru to pursue studies.⁹⁹

Initially the ritual of Upanayana was performed upon priestly or literary class of families.¹⁰⁰ It was later performed for children belonging to Brahmins, Kshatriyas and Vaishyas, to mark the beginning of formal education. The 'Upanayana,' a ceremony that was normally done at a prescribed age level, denoted the start of schooling. It denoted a child's transition from infancy to childhood and his initiation into educational life.¹⁰¹ From caste to caste, the age limit differed for upanayana. Brahmins, Kshatriyas, and Vaishyas performed it in their eighth, eleventh, and twelfth years, respectively. The typical studentship lasted twelve years. The Brahmanas commenced it at earlier age in order to ascertain intellectual supremacy. Over the years, the suitable age for upanayana kept on changing on account of the changing nature of upanayana. Initially, it was viewed as necessary for the start of primary education, accordingly it was fixed at the age of 5 years. But since many children with the exception of those belonging to the priestly families which received early training about the mantras from their father, were found unsuitable to recite the verses at the age of 5 years, the age of upanayana was postponed by a year or so. In course of time, upanayana came to be associated to mark the beginning of secondary education as such the age was increased to 8 years.¹⁰²

⁹⁸ Mishra, Nandita & Aithal, Sreeramana, Ancient Indian Education: It's Relevance and Importance in the Modern Education System. International Journal of Case Studies in Business, IT, and Education. 238-249. 10.47992/IJCSBE.2581.6942.0271, 2023

⁹⁹ Altekar, A.S, Education in Ancient India, Nanda Kishore Brothers, pgs 222-234, Banaras, 1961

¹⁰⁰ Chapter of Upanishad, VI,1,1

¹⁰¹ Raja, C K, Some Aspect of education in Ancient India, pgs, 80 – 89, Adyar Publication, New Delhi, 1950

¹⁰² Jayapalan N, History of Education in India, pgs, 76 – 82, 1996

Education system during the time focused more upon the realities of life by covering various essential topics in the nature of philosophy, grammar, Astrology and logic. It stressed upon accurate pronunciations and development of linguistic skills. Initially there was no change in the status for not performing the ritual of Upanayana, however, later Smritis¹⁰³ asserts the term Vratya meaning person unfit to perform social and matrimonial dealings for not performing Upanayana. This notion further paved the way for considering upanayana as more of bodily sanskara and not educational sanskara. This ritual was later performed upon children who were deaf or dumb and were unable to recite Vedic mantras on the pretext of getting them married. Upanayana started as a religious practice which was repeated every time there was change in the course or change in the teacher, however later this was stretched to such an extent that ritual of Upanayana was recommended as penance for consuming wine or onions or committing such sins.¹⁰⁴

Educational institutions consisted of Gurukulas which followed two-fold methods of teaching. The first method was maukhik(oral) and the second method was based on Chintan(thinking).¹⁰⁵ The oral method focused on recitation of mantras and Vedic hymns in order to pass it to the posterity. Manan method was meant for highly intellectual students which necessitated reflection on various Vedic hymns and verses. Another aspect of the teaching style was the thinking method. It was hoped that by doing so, the Veda mantras (Vedic Hymns) and Richayas (Vedic Verses) would be preserved. The term of Vedic studies comprised of only five to six months since it involved only Vedic studies. Later with the addition of other components like grammar, logic, philosophy, the term also extended.¹⁰⁶

One of the core components of educational system is the Guru or the teacher and the nature of relationship shared between the teacher and the student. Vedic educational system focused upon teacher as a spiritual master and trainer who guided their children from darkness to light.¹⁰⁷ The high reverence attached to a teacher can be well understood from the importance attached to the oral transmission of knowledge from

¹⁰³ Manu II, 39, Yajurveda I, 37-8

¹⁰⁴ Viramitrodaya, Sanskara-prakasa

¹⁰⁵ Mukerjee, S.N. (1955) "History of educations in India" , pgs 55 – 62, Acharya Book Dept, Baroda

¹⁰⁶ See Jayapalan Supra Note 102

¹⁰⁷ Sequeria, T.N. (1952) "The Education of India, History and Problems, pgs 66 – 74, Oxford University Press, Bombay

one generation to another for which teacher was seen as instrumental in effecting such transmission. However, there were no such training centers for the teachers. History says that a teacher was competent to teach Gayatri Mantra if he could recite it 12,000 times.¹⁰⁸ Although such recitation could enhance the spirituality of a teacher, it was however not a proper medium to assess the capacity as a teacher. Another reason for attaching utmost importance to the Guru stems from the fact that only Guru was held to be competent and qualified to teach proper accent and pronunciation of Vedic recitation which was usually transmitted orally from generation to generation.¹⁰⁹

During Vedic times, the duty of the teacher to teach was imperative. Admission of a student was not based upon payment of school fees. There are instances in smritis where the practice of turning down the student for non-payment of fees is highly condemned. As per the Hindu theory, the teacher's honorarium was payable only upon completion of the course in the form of Gurudakshina (fees).¹¹⁰

Majority of the teachers during Vedic times were Brahmins. Since caste system had not become rigid during this time, some traces of kshatriyas being the teachers can be found during Vedic times. However, in course of time, with the onset of rigid caste system, which predetermined the profession by birth, it later got confined to the Brahmins.¹¹¹

Student did not have to answer any examinations like modern educational system. Student however had to pass through the ordeal of shastrartha, which promoted the powers of debate and discussions. Vedic times witnessed a student-centered learning environment. In addition to question-and-answer, debate, and discussion, storytelling was used when needed. The drawbacks of the educational system were the extreme importance being attached to religion as a mode of instruction. It was more individualistic in nature.¹¹²

During Vedic times, equal importance was attached to the education of women. The study of the shastras and Vedas was considered essential for better marriage prospects. Women were allowed to pursue education without any social restrictions or constraints.

¹⁰⁸ Ghosh, Suresh Chandra (2001) "The History of Education in Ancient India, pgs 122 – 134, Munshiram Manohar Lal Publications, New Delhi

¹⁰⁹ See Jayapalan Supra Note 102

¹¹⁰ Altekar, A.S (1961) Education in Ancient India, pgs 127 – 130, Nanda Kishore Brothers, Banaras

¹¹¹ See Sequeria Supra Note 107

¹¹² See Jayapalan Supra note 102

During Vedic times, child marriage was not prevalent which further prompted women to study.¹¹³ The Vedic times witnessed women scholars who were well versed with Vedic mantras. There were two groups of women. One group, which was called as Brahnavadinis were the ones who pursued lifelong education while the second group called as Sadyodvahas pursued education until their marriageable age which was 15 – 16 years. There were also instances of educated women who were teachers called as Upadhyayinis. Similarly, there were women poets and philosophers of the like Apala, Ghosha who composed Vedic mantras. Thus overall, the situation was conducive for overall educational development of women during Vedic times.¹¹⁴

However, the major drawback of Vedic educational system can be attributed to the exclusion of Sudras and Ati-Sudras from the benefits of Vedic education. The main reason for such exclusion is attributed to the improper accent or pronunciation of Vedic mantra since Sanskrit was not the mother tongue of Sudras.¹¹⁵ It was a popular belief that such a mistake would bring about ruin and disaster. The members of Sudra community were however allowed to study Smritis, Epics and Puranas.¹¹⁶

2.3 Education during Post Vedic times

Post Vedic period extends between 1400 B.C and 600 B.C. It marked the end of Vedic educational system and lasted till the beginning of Buddhist and Jain Educational System. The main aim of education which was Moksha or salvation continued even during this time with more connected to the rituals. Enhanced importance was attached to the offertory ceremonies which increased the need for competent priests. The Brahman Literature thus was conceptualized which was basically a collection of offeratory and other ceremonies. Greater emphasis on the caste system and the dominance of the Brahamanas, affected the educational system in general.¹¹⁷

The Upanayan ceremony which began as an optional ceremony in Vedic times, slowly gained utmost importance in the post Vedic age to an extent that people were denied right to education or the right to perform religious rites, for failure to complete the

¹¹³ Giri, Mahadevananda (1947), “Vedic Culture, pgs 44-50, Calcutta University, Calcutta

¹¹⁴ Mukerjee, S.N. (1955) “History of educations in India”, pgs 88 – 94, Acharya Book Dept, Baroda

¹¹⁵ Altekar, A.S (1961) Education in Ancient India, pgs 65 – 69, Nanda Kishore Brothers, Banaras

¹¹⁶ Das, Santosh Kumar (1931) The Educational System of Ancient Hindus, pgs 45 -50, Mitra Press, Calcutta

¹¹⁷ See Ghosh Supra Note 108 at 114

Upanayana ceremony. This period finds no reference to the education of Vaishyas or Sudras. The post Vedic period witnessed a decline in the social and educational privileges enjoyed by women during Vedic times. Women were not allowed to participate in any religious or social rites.¹¹⁸ Similarly during Vedic times varna system was based upon the work one chose. However, in post Vedic period it was predetermined by birth thus giving rise to four varnas namely Brahman, Kshatriyas, Vaishyas, & Shudra.¹¹⁹ In addition to Rigvedic mantras, subjects covered during post Vedic period included study of phonetics, prosody and grammar. Hearing, meditation, contemplation and recollection were the common methods of study followed since Vedic times.

The greatest drawback of this period can be attributed to the practice of dogmatism by invariably relying upon the Shastras without any reasoning. Secondly, more emphasis was laid on intellectual education rather than artistic education thereby resulting in the neglect of handicrafts, drawing, dance etc.¹²⁰

2.4 Education during Buddhist period:

Education during post Vedic times was blemished and tarnished on account of utmost importance attached to religion and consequent supremacy of Brahmanical Education. Rise of Buddhism can be viewed as an antidote to the ideology during post Vedic period. It starts from 600 B.C – 1200 years till 600A.D. Through Buddhism, Lord Buddha evolved a path for Nirvana or salvation without due importance being attached to Vedic mantras, sacrifices and rigorous penances.¹²¹

The evolution of Buddhist system of education can be traced to the ‘Sanghs’ which were the centres of learning. Through ‘Sanghs’ religious and secular education was imparted to the Buddhist Monks. The entry into the ‘Sangh’ was prescribed at the age of eight years, where the future Buddhist Monk had to renounce all the worldly pleasures.¹²² The striking feature of the Buddhist system involved absence of caste system which allowed

¹¹⁸ See Altekar Supra Note 110 at 321-330

¹¹⁹ See Ghosh Supra Note 108

¹²⁰ Sharma, R.N and Sharma, R.K, History of Education in India, pgs 66 – 74, Atlantic Publishers & Distributors, 2012

¹²¹ Dr Deb Sandip, The Magnificence of Buddhist Education system in India: An analytical study, IRJMSH Vol 14 Issue 4 [Year 2023] ISSN 2277 – 9809 (Online) 2348–9359 (Print).

¹²² Pabbja- implied renunciation of all the family connections during the joining of the Buddhist Sangh.

participation for all the people irrespective of the caste. This added feature was a consequence of the ill wills of the practice of following rigid caste system during Post Vedic times.

Preceptor and the pupil shared a relationship which was well defined and consisted of mutual respect and equality. Preceptors were men of high integrity and self-discipline and commanded obedience and respect from pupil. The duties of the preceptor were well defined by the Sangh which included education of the students along with providing necessities of daily life.¹²³

Students on their part rendered their services to the Preceptor and performed all the duties enjoined upon him. Students were completely under the control of the Preceptor who had the power to expel the student in the event of any indiscipline on the part of the student.¹²⁴

During the Buddhist period, monasteries were the centres of education. The mode of education was based on teachings of Gautam Buddha. Gautam Buddha sought to fight the societal divide created by the varna system and tried to establish equality amongst the masses.¹²⁵ It also focused on all round development of child's personality and physical and mental well-being. Hence it attached a lot of importance to religious education alongwith education on morality.¹²⁶ Buddhist system of education allowed only monks and shramanas to impart education.¹²⁷ Accordingly, monasteries and Viharas became centres of learning. Admission into Buddhist monasteries followed around same system as in Vedic times, with the ceremony of Upanayana being replaced

¹²³ Rahula, W., What the Buddha Taught, London: Gordon Fraser, 1978. A, C. Taylor (Ed) Patisambhimagga, Pali Text Society, Vol. 1905, Vol. II, 1907

¹²⁴ It was called as Nishkasan which meant to expel.

¹²⁵ Ven. MediyawePiyarathana Thero, Share The Vision On Buddhist Philosophy Of Education, Fourth Asia Pacific Conference on Advanced Research (APCAR, Melbourne, March, 2017) ISBN:978 0 9953980-09

¹²⁶ S., Nagasen, Buddha's attitude towards caste system and the supremacy of Bhramins. Retrieved from https://www.academia.edu/7117904/Buddha_s_attitude_towards_the_caste_system_and_the_supremacy_of_the_Brahmins, Last visited on July 2021.

¹²⁷ Shramanas refer to the ascetics and renouncers of ancient India who gave up worldly life and practiced austerities (tapah) for liberation.

by that of Pabbaja or Pravraj.¹²⁸ All castes students were allowed to be admitted into the monasteries.¹²⁹

Initially the chief aim of education was propaganda of religion and inculcation of religious feelings and education served as a means to achieve salvation or nirvana.¹³⁰ The education was limited only to Buddhists. Although Buddhist education was imparted in well-organized centers and monasteries, with emphasis on physical, spiritual and mental development of the students, yet it did not give much importance to the occupational and technical education and hence began to face downfall on account of its own shortcomings.¹³¹ The entire duration of education during Buddhists period comprised of 22 years which included 12 years of Pabbaja¹³² and 10 years of Upasampada.¹³³ The curriculum for primary education focused upon reading, writing and arithmetic while that of higher education relied upon religion, philosophy, Ayurveda and military training. Oral instructions were primarily the method of instructions although the art of writing was occasionally used.¹³⁴ Lecture and argumentation methods were used to propagate the ideals of teachings of Lord Buddha. Importance was equally attached to ekant sadhana¹³⁵ which promoted secluded living and contemplation.¹³⁶

Women education initially did not get much support during Buddhist period as they were not admitted in monasteries.¹³⁷ Later, there is seen shift from this perspective

¹²⁸ Pabbajja, in Buddhism, refers to the act of renunciation and the entry into monastic life. It signifies the first ordination into the monastic community, allowing individuals to transition from lay life to monkhood.

¹²⁹ Masih, A. and Vidyapati (2018). Role of Buddhism in the development of Indian Education. Vol. 8(1). PP. 28-31.

¹³⁰ Meshram, M. (2013). Role of Buddhist Education in Ancient India. International Journal of Research in Humanities, Arts and Literature. Vol. 1 (3). PP 7-16.

¹³¹ Dr. Prakash Aditya, The Relevance Of Buddhism In Modern Indian Education System, Mukta Shabd Journal Volume X, Issue XI, November/2021 ISSN No : 2347-3150

¹³² Pabbajja, in Buddhism, refers to the act of renunciation and the entry into monastic life. It signifies the first ordination into the monastic community, allowing individuals to transition from lay life to monkhood.

¹³³ Upasampad means Buddhist rite of higher ordination, by which a novice becomes a monk, or bhikshu

¹³⁴ S., Nagasen, Buddha's attitude towards caste system and the supremacy of Brahmins. Retrieved from https://www.academia.edu/7117904/Buddha_s_attitude_towards_the_caste_system_and_the_supremacy_of_the_Brahmins, Last visited on July 2021.

¹³⁵ It means contemplating and meditating in solitary places.

¹³⁶ S.Nagasen, Buddha's attitude towards caste system and the supremacy of Bhramins. Retrieved from https://www.academia.edu/7117904/Buddha_s_attitude_towards_the_caste_system_and_the_supremacy_of_the_Brahmins

¹³⁷ Kumar, A. and Singh, N. (1997). Buddha's approach towards women status. Bulletin of Tibetology. Retrieved from http://himalaya.socanth.cam.ac.uk/collections/journals/bot/pdf/bot_1997_01_02.pdf

wherein it is seen that Gautam Buddha permitted around 500 women in the monasteries with some strict rules and restrictions. Initial two years were fixed as probation period.¹³⁸ Women were required to stay in separate residence and were not allowed to interact with male monks in loneliness. Similarly, they could not occupy any permanent post in the Sangh.¹³⁹

Brahmanic or Vedic education and Buddhist educational system shared many similarities. In the sphere of education, the basic concepts pertaining to education were quite similar in Vedic and Buddhist system. Both the systems followed the practice of teaching through monks / priests in peaceful surroundings amidst nature.¹⁴⁰ Similarly, it was the basic duty of the Brahmacharis and the monks to beg for alms. The education was imparted in natural environment with the chief aim of education being salvation. In both the periods, students were required to follow proper code of conduct and go out daily for begging alms. If we compare Buddhist educational system to the Vedic educational system, vast differences can be noticed. Although education was imparted in the midst of nature, yet the Buddhist education was imparted in well-organized monasteries.¹⁴¹ The Brahmacharis upon the completion of their studies were allowed to maintain a domestic life however Buddhist monks had to sever all family ties. In terms of admission to the educational institutions, caste was not a bar as it existed during Vedic times. Buddhist system of education in fact came to arise opposing the rigid caste system. Women education was at rise in the Vedic period but gradually saw a decline thereafter. Buddhist period later did focus upon women education however the progress was not that noticeable.¹⁴² Buddhist education system can be regarded as more democratic as against Brahmanical which was individualistic in nature on account of excess importance being attached to the supremacy of the Guru.¹⁴³

¹³⁸ Bala Rajni, Relevance of Buddhist Education System In India, Scholarly Research Journal for Humanity Science & English Language, Online ISSN 2348-3083, SJ IMPACT FACTOR 2017: 5.068, www.srjis.com Peer Reviewed & Referred Journal, June-July, 2019, VOL- 7/34.

¹⁴⁰ Maurice, W. (1987). The Long Discourses of the Buddha, A translation of the Digha Nikaya, pgs 222 – 234, Boston Wisdom

¹⁴¹ Aggarwal, J.C (2008). Development of education system in India, pgs 24 – 39, Shipra publications, Delhi.

¹⁴² S.K.Salim, An Analytical Study: The Buddhist Education System in Contemporary Indian Educational Perspective, International Journal of Research Publication and Reviews, Vol 5, no 3, pp 2144-2148 March 2024.

¹⁴³ Aggarwal, J.C (2008). Development of education system in India, Shipra publications, Delhi.

Education in Ancient India played significant role in the development of human life. It inculcated a spirit of righteousness, self-discipline, morality and faith through religious instructions. In the beginning, although the education was biased towards certain castes, later it afforded equal opportunities to all the people irrespective of any differences. Women also were part of educational system with the exception of post Vedic times.¹⁴⁴ It produced several eminent personalities and scholars. Ancient Primary education was more individualistic in nature with emphasis upon development of abilities. It imparted practical instruction in relation to the subjects taught. It played an important role in internal development of man with lessons inculcating the principles of self-discipline, faith and morality.¹⁴⁵

However, the progress of education halted on account of predominance of religion. Non-religious subjects were ignored and education was one sided. Too much reliance on the shastras and puranas created a fallacy about its correctness and truthfulness. Prevalence of rigid caste system further hampered progress of education. Teachings of Ahimsa in Buddhism affected the military education and education of arms and ammunitions.¹⁴⁶

2.5 Education during medieval period

Medieval period ranges from 10th century A.D to middle of 18th century i.e before British rule. The Muslim rulers ruled for around six hundred and fifty years. This period witnessed a cultural transformation with the influx of new rulers with new language and culture. Much harm was caused to the Brahmanical and Buddhist education on account of religious fanaticism. Educational Institutions and literature texts were destroyed.¹⁴⁷ Similarly, Ancient Educational Institutions did not receive any state patronage which further led to its decline. Consequently, with the onslaught of Muslim rulers, it changed the system of ancient education system drastically. The foremost aim of Islamic education was propagation of Islam, its principles, rules and conventions.¹⁴⁸

¹⁴⁴ Ibid

¹⁴⁵ Altekhar, A.S (1961) Education in Ancient India, pgs 57 – 64, Nanda Kishore Brothers, Banaras

¹⁴⁶ Ibid

¹⁴⁷ Kapur, Radhika. (2018). Education in the Medieval Period, pgs 58 - 67

¹⁴⁸ Biswas Adarini, Development of Education In India During The Medieval Period: A Historical Approach, 2016 IJRAR June 2016, Volume 3, Issue 2 www.ijrar.org (E-ISSN 2348-1269, P- ISSN 2349-5138)

According to S.N.Mukherji, “the whole educational system was saturated with religious ideals which influenced the aim, the contents of study and even the daily life of the pupils”.¹⁴⁹

The Muslim rule in India was governed under different rulers which impacted the spread and expansion of education. It depended upon the ideology and inclinations of the rulers. In spite of religious idiosyncrasies, during the medieval period, rulers patronized the spread of education. A lot of educational institutions and universities were built during this time. Government endowed funds for the purpose of education but did not exercise any control over the same.¹⁵⁰

Islamic education during the medieval times focused on extension of knowledge and propagation of Islamic principles and laws. Education was mostly religious in content. The centres of education were Maktab and Madarsas. Maktab were centres of primary education while Higher education was imparted through Madarsas.¹⁵¹ At the age of four year, four months and four days, Maktab ceremony or Bismillah was performed to mark the beginning of education of a child.

Maktab were the institutions imparting primary education. The ultimate basis of education was religion as such students had to learn some sacred references from Quran. This mandated learning of Persian and Arabic language to acquaint them with the script of Quran. Madarsas on the other hand were institutions providing higher education. Students could join Madarsas after completing their education in Maktab. In addition to religion, literature, grammar logic was also taught in Madarsa.¹⁵²

The education of royal princes and wealthy persons was imparted at home by teachers employed specifically for the purpose. The curriculum mainly included mathematics, astronomy, grammar, polity and politics. The medium of instruction was either Arabian or Persian. Religion dominated the educational system. Muslim rulers patronized the education by establishing centres of learning and grant of scholarships to the students.¹⁵³

¹⁴⁹ Mukerjee, S.N. (1955) “History of educations in India” pgs 68 – 79, Acharya Book Dept, Baroda

¹⁵⁰ Chaurasia, R.S. (2001), History of Medieval India : From 1000 A.D to 1707, pgs 145 – 158, Atlantic Publishers and Distributors, New Delhi.

¹⁵¹ Rawlinson, H.G.(2001), Ancient and Medieval History of India, pgs 212- 220, Bharatiya Kala Prakashan, Delhi

¹⁵² Khanna, M (2007), Cultural History of Medieval India, Social Science Press, New Delhi.

¹⁵³ Farooqui, S.A (2011), A Comprehensive History of Medieval India, Pearson, Delhi.

The teacher occupied a place of reverence similar to ancient educational system. The mutual relationship between teacher pupil was based upon love and respect. It did not follow specific method of teaching. Upon memorizing portions of Quran, instructions were mainly given through oral.¹⁵⁴ During the rule of emperor Akbar, the practice of learning to read and write within prescribed time limit was followed. The ideals of teaching were primarily to make the student more self-reliant. There is no mention of system of examinations nor award of any degrees.¹⁵⁵ There was no separate department to look after the progress of education as it was primarily viewed as a religious act.¹⁵⁶

Women education was allowed up to a specific age as that of the boys, thereafter however it was stopped. Since purdah system was prevalent, women did not go to the Madaras to receive education.¹⁵⁷ Islamic education though commendable in its approach and emphasis on practical utility, yet it did not stress upon the universalization of education. Mughal empire commenced in the year 1526 in India. Till its conclusion in the year 1848, Persian language was followed as official language. Medicine, mathematics and logic acquired important part in the curriculum of islamic learning. Historical references suggest that the primary education commenced at the age of six and continued till the age of 14 years. Children post 14 years of age were given a choice to choose secondary education which included medicine, geometry, trade and commerce etc.

The evolution of education across the Vedic, Post-Vedic, Buddhist, and Medieval periods reflects the interplay of societal values, religious ideologies, and political structures. During the Vedic and Post-Vedic periods, education was highly spiritual and caste-based, aimed at preserving religious traditions and societal hierarchy. While the Vedic system focused on oral learning of the Vedas and spiritual texts, the post-Vedic period saw a gradual inclusion of worldly knowledge, although still restricted to the upper castes. This exclusivity limited the spread of knowledge and reinforced social stratification.

¹⁵⁴ K. Kaur, (1990), *Madrassah Education in India : A study of its Past and Present*. Chandigarh: Centre for Research in Rural and Industrial Development.

¹⁵⁵ Dr. Prasad Subhash Chandra, *Islamic Influence on Education During Medieval Period*, *International Journal of Creative Research Thoughts*, 2020 IJCRT | Volume 8, Issue 8 August 2020 | ISSN: 2320-2882.

¹⁵⁶ E.S. Tiwari (2007), *Education in India*, Vol.-4, Atlantic Publishers and Dist.

¹⁵⁷ Ghonge, Mangesh & Bag, Rohit & Singh, Aniket. (2020). *Indian Education: Ancient, Medieval and Modern*. 10.5772/intechopen.93420.

The Buddhist period marked a significant shift with its emphasis on inclusivity, meritocracy, and a wider curriculum encompassing logic, science, and philosophy. Renowned institutions like Nalanda and Takshashila not only advanced education in India but also attracted international students, facilitating a global exchange of knowledge.¹⁵⁸ However, during the Medieval period, education became fragmented, dominated by religious influences in both Hindu and Islamic contexts. While it preserved religious and cultural heritage, it led to a decline in scientific inquiry and innovation. Collectively, this historical trajectory underscores the dynamic nature of education and its profound connection to the sociopolitical and religious fabric of each era.¹⁵⁹

2.6 Education during East India Company:

East India Company was founded in Britain in the year 1600 primarily to trade in Asian Continent. It established its rule in India from 1757 till 1858. Initially the company aimed at exploring the business and trade opportunities in India. However, subsequently they established their empire after acquiring political power in Bengal. This necessitated the company to initiate various welfare measures including in the sphere of education.¹⁶⁰ At the outset, company intended to educate few people required to run the administration. Accordingly, they continued to provide grants to the educational institutions without taking primary responsibility of providing education. Initially the company intended to create a class of faithful supporters of the English government by focusing upon the education of high-class section of Hindu and Muslim population.¹⁶¹

The Charter of 1813, which was the result of the efforts of Charles Grant, revolutionized the Indian education system. The Charter confirmed the authority of the Crown over British India. It cast responsibility upon the Company to make necessary arrangement for the education of the masses. This witnessed an expansion of education in the country. This earmarked the first initiative of the Company towards advancement of education

¹⁵⁸ See K. Kaur Supra Note 154 at 113 - 117

¹⁵⁹ See Dr. Prasad Supra note 155 at 221

¹⁶⁰ Chauhan, C.P.S, Modern Indian Education - Policies, Progress and Problems. New Delhi: Kanishka Publishers, Distributors, 2014

¹⁶¹ Ibid

in India.¹⁶² It made provision of One Lakh for the establishment of schools and promotion of scientific knowledge, language and literature. Christian Missionaries advocated use of western language to promote spread of Christianity amongst the masses. The vagueness of the clause under the Charter with reference to the usage of the amount, however, created a strong divide amongst the Orientalists and the Anglicist. Orientalists advocated promotion of vernacular education while Anglicists supported the western education in India through English as medium of education.¹⁶³

In 1833, another charter was issued which further allowed the missionaries to propagate and preach their religion. Under the Charter of 1833, Lord Macaulay was appointed as the Law Member of the Governor General's Council. He propounded his scheme of education through the minutes which supported western education in English medium. Thomas Macaulay is regarded as the architect of Britain's educational policy in India.¹⁶⁴ He interpreted the Charter by disregarding the Indian languages and establishing predominant influence of western language which would be instrumental in creating a class of consumers of British goods.¹⁶⁵ He considered the native literature as inefficient and incomplete and completely disregarded local languages. The notion of Anglicist further received support from the government through the famous minutes submitted by Thomas Macaulay.¹⁶⁶ Thomas Macaulay through Downward Filtration Theory aimed at educating only the upper class who in turn would use their influence in controlling the masses. The notion of the theory was to spread education to the masses through higher classes. It was assumed that since lower classes followed the ideals of higher classes, Christian missionaries converted higher class people to Christianity by spreading English education to them. This would filtrate it down to the lower class thereby educating the common people.¹⁶⁷ The theory allowed the education of common people through the higher class thereby preventing the government from assuming the

¹⁶² Dr. Bansal Kanika, Impact Of British Raj On The Education System In India: The Process Of Modernization In The Princely States Of India – The Case Of Mohindra College, Patiala, CREATIVE SPACE, July 2017, 5(1):13-28, DOI:10.15415/Cs.2017.51002

¹⁶³ Pihama L, Lee-Morgan J. (2019) "Colonisation, Education, and Indigenous Peoples." In: McKinley E., Smith L. (eds) Handbook of Indigenous Education. Springer, Singapore. https://doi.org/10.1007/978-981-10-3899-0_67

¹⁶⁴ See Dr. Bansal Supra Note 162

¹⁶⁵ Ghosh, S. C. (1995). "Bentinck, Macaulay and the introduction of English education in India." *History of Education*, 24(1), 17–24. <https://doi.org/10.1080/0046760950240102>

¹⁶⁶ The Economist. The East India company: The company that ruled the waves. *Economist*, December 17. Retrieved <http://www.economist.com/node/21541753>. Accessed on May 18, 2021.

¹⁶⁷ See Dr. Bansal Supra Note 162 at 121

responsibility of educating the masses. Secondly British rulers intended to create a class of loyal Indians by educating them in English and providing government posts. This theory in turn further led to the expansion of education in India.¹⁶⁸

There was the usual practice of obtaining orders from the British government by the East India Company after every 20 years which included amongst others, orders pertaining to education. In 1853, the Company decided to have a concrete educational policy and accordingly parliamentary committee was formed to review the educational progress. The suggestions of the committee were christened as Wood's Educational Despatch since Charles Wood was the chairman of the Board of Control, which had subsequently accepted the suggestions as propounded by the parliamentary committee.¹⁶⁹

It was an important document on education in India. It was prepared by three eminent English thinkers namely Marshman, Parry and Wilson after making in depth study of the problems and lacunae in the then prevailing educational system in India and to suggest a suitable educational policy in India. It is considered as the Magna Carta of education.

The Despatch primarily enforced the responsibility upon the British government to expand education in India. It intended to create highly intellectual people by introducing western knowledge to the larger masses of India.¹⁷⁰ The underlying motive behind the educational policy was to supply the East India Company with reliable and capable public servants. Wood's Despatch advocated use of English language as medium of instruction. It also gave due importance to vernacular language as medium of instruction to teach the larger classes of people who are ignorant of English language.¹⁷¹ It visualized a coordinated system of education by establishing regular educational institutions including universities. The Despatch sought to promote education including

¹⁶⁸ See Ghosh Supra Note 165 at 134 - 137

¹⁶⁹ Pihama L, Lee-Morgan J. (2019) "Colonisation, Education, and Indigenous Peoples." In: McKinley E., Smith L. (eds) Handbook of Indigenous Education. Springer, Singapore. https://doi.org/10.1007/978-981-10-3899-0_67

¹⁷⁰ Ibid

¹⁷¹ Chand, D, Education System in Pre Independence India, International Journal of Applied Research, Vol 1(2), pp.110-113, 2015

women education by making provision for Grants in aid upon fulfilment of certain conditions by the educational Institutions.¹⁷²

Wood's Despatch was a foremost attempt to create educational policy encapsulating the aim of education in India and providing detailed scheme of education right from primary level to the University level of education. The Despatch actively promoted expansion of education by rejecting Downward Filtration Theory. But this Despatch sought to neglect ancient Indian university since it based its educational model on London University. Although it did encourage vernacular language, more emphasis was laid upon western knowledge thereby neglecting traditional Indian literature.¹⁷³

During Woods Despatch, primary education remained neglected as most of the primary schools could not take the benefit of grants in aid. The rules of grants in aid were impracticable since it mandated the schools to arrange for minimum fifty percent of expenditure. Amidst the deplorable condition of primary education in India, the very foundation of the British empire received a major shock with the revolt of 1857, which transferred the administration from the company to the British Crown. Until the conditions were normalized, by 1882, British Crown decided to develop the education system in India by removing the defects. For this purpose, Lord Rippon constituted Indian Education Commission under the Chairmanship of William Hunter.¹⁷⁴

The Indian education Commission was also called the Hunter Commission. It included 20 members besides the President. Hunter Commission was specifically constituted to identify the manner in which the principles of Wood's Despatch can be implemented and thereby to extend the reach of elementary education in India.¹⁷⁵

The commission highly recommended encouragement to indigenous institutions by recommending Grants -in - Aid on the basis of 'Payment by Results'. It gave considerable attention to the state of elementary education in India and made significant recommendations for its improvement. It highlighted upon the state of Primary

¹⁷² Ibid

¹⁷³ See Ghosh Supra Note 165

¹⁷⁴ See Pihama Supra Note 169 at 223 - 230

¹⁷⁵ See Dr. Bansal Supra Note 162

education and the need for more allotment of finances to upgrade the same. The Commission emphasized upon the requirement of scholarships for women.¹⁷⁶

The recommendations provided by the Hunter Commission occupies a landmark place in the history of education in India since it helped in the development of education. However, the drawback included in its neglect to the mother tongue by over emphasizing English as medium of instruction. By entrusting education to the private institutions, government showed indifference towards education. This resulted in lower standard of education with no proper infrastructural facilities and untrained teachers.¹⁷⁷

Landmark changes were made in the sphere of elementary education with respect to administration, curriculum, management and finance under the viceroyalty of Lord Curzon. The era of Lord Curzon witnessed expansion of education in India. He focused more on quality rather than quantity. Conference was organized in Shimla in the year 1901 to identify the shortcomings of the education system in India. It was proposed that government should exercise greater control over all stages of education. One of the reasons identified for the failure of primary education was limited funds. Lord Curzon increased the government grants from one third to one half of the total expenditure. It emphasized on secular mode of education in government institutions.¹⁷⁸

Nurullah and Naik sum up Lord Curzon's contribution to education, "in short, it may be said of Curzon that he touched almost every aspect of Indian education and touched nothing that he did not reform."¹⁷⁹

Gopal Krishna Gokhale was a great champion of free and compulsory primary education in India. He accordingly took steps for the promotion of free and compulsory elementary education in India through resolution dated 1910 which was introduced in the imperial council.¹⁸⁰

¹⁷⁶ See Ghosh Supra Note 165

¹⁷⁷Roy M. Spread of Modern Education during British Rule | Indian History, <http://www.historydiscussion.net/british-india/spreadof-modern-education-during-british-rule-indianhistory/6325>, Accessed on November 26, 2019

¹⁷⁸ Pandit P, Mass literacy campaigns in pre- and post-independent Era of India. International Journal of Recent Aspects, Special Issue: Conscientious and Unimpeachable Technologies, pp-14-18, 2016

¹⁷⁹ Ranjan, R. Pandey, A Ranjan, V, Education in pre independence period – a review, American International Journal of Research in Humanities, Arts and Social Sciences, Vol.5(1), pp. 137-142, 2014

¹⁸⁰ See Pandit Supra Note 178 at 43 - 50

Gokhale advocated for free and compulsory education for the age group of six to ten years. Main highlights of the bill included setting up a separate department to act as supervisory authority with regard to expansion of primary education in India. The bill recommended sharing the cost of primary education between provincial government and local bodies.¹⁸¹

Gokhale withdrew the bill of 1910 and introduced a fresh bill on compulsory education with new provisions. It sought to make primary education compulsory for boys of the age group of six to ten years. The remarkable feature of the bill was introduction of penal provisions to the guardians for non-compliance of the rules pertaining to compulsory education.¹⁸²

Although Gokhale's bill was rejected by the government, on account of popular demand, for the spread of primary education in India, the Government of India passed the resolution on educational policy on February 21, 1913. The policy gave due attention for the expansion of primary schools in India. It made provision to provide adequate training to the teachers who thereafter were eligible for increment in salary. The teacher pupil ratio was fixed to 1:40 maximum.¹⁸³

Hartog Committee report of 1929 highlighted the problems of wastage and stagnation affecting the growth and expansion of primary education in India. On the other hand, the Zakir Hussain Committee 1937 and Central Advisory Board of Education 1938 emphasized upon continuing with the vernacular languages as medium of instruction in primary schools. The demand for Universal, free and compulsory education in the age group of 6 to 11 was further endorsed in the Sargeant Plan in the year 1944.¹⁸⁴

The Wardha Scheme of Education, commonly referred to as Nai Talim or Basic Education, was envisioned by Mahatma Gandhi as a transformative model rooted in India's cultural and social realities. It emphasized the integration of handicrafts and manual work with education, aiming to make learning both practical and relevant to students' lives.¹⁸⁵ Gandhi believed that education should develop the physical, mental,

¹⁸¹ See Roy M Supra Note 177 at 56

¹⁸² See Pandit Supra Note 178 at 76 - 80

¹⁸³ See Chand Supra Note 171 at 56 - 58

¹⁸⁴ See Roy M Supra Note 177 at 77

¹⁸⁵ See Pandit Supra Note 178 at 115-120

and spiritual aspects of a child, fostering self-reliance and the ability to earn a livelihood. Central to this philosophy was the idea that education should prepare individuals to address the challenges of life while promoting self-knowledge, character formation, and an ideal balance between individual and social responsibilities.¹⁸⁶

Gandhi's educational philosophy sought holistic development and was deeply tied to moral and spiritual growth. He prioritized character building over mere literacy, viewing education as a means to cultivate virtues such as truth, non-violence, and discipline. Drawing inspiration from ancient Indian ideals, he saw education as a path to self-realization and societal liberation. Gandhi's model also advocated for democratic values, emphasizing education as a tool for producing responsible citizens in a just society. By blending spiritual, moral, and practical aims, his approach aimed to address unemployment, poverty, and cultural disconnection, creating a system of learning deeply aligned with India's needs and aspirations.¹⁸⁷

Basic Education emphasized free, compulsory education for children aged 7-14, reducing the financial burden on parents by incorporating income-generating activities like handicrafts. It fostered responsible citizenship, aligned education with real-life needs, and promoted Indian languages through mother-tongue instruction. The system was child-centered, supported individual interests, and instilled values such as nationalism, secularism, and truth, making it particularly suited to rural and local contexts.¹⁸⁸

However, the scheme faced criticism for its limited relevance to urban populations and its focus on crafts, which may overshadow general education and hinder cultural preservation. The heavy emphasis on traditional crafts over modern skills risked economic stagnation, and the time-consuming schedule which was impractical for young children. Additionally, it neglected secondary and higher education, relied unrealistically on children's earnings for funding, and lacked a solid philosophical foundation, making it more idealistic than practical.¹⁸⁹

¹⁸⁶ See Chand Supra Note 171

¹⁸⁷ Dey, S, Mahatma Gandhi and His Idea of Basic Education: An Historical Appraisal, International Journal Advances in Social Science and Humanities, Volume 5; Issue 1, 2017

¹⁸⁸ Ibid

¹⁸⁹ See Chand Supra Note 171

The Sargeant Scheme of Education, proposed by Sir John Sargeant in 1944, emerged during the post-World War II period when the Indian government focused on national development across various sectors. Tasked by the Reconstruction Committee, Sargeant drafted a memorandum addressing the educational needs of post-war India, which was later approved by the Central Advisory Board of Education. Known as the "Sargeant Scheme" or the "Report on Post-War Education Development in India," it laid out a framework for advancing education in the country.¹⁹⁰

This scheme holds historical significance as it was the first comprehensive effort to address the problems and future organization of education in India, spanning from primary to university levels. It presented a detailed blueprint for creating a robust national education system, marking a pivotal step in India's educational development.

The Sargeant Scheme of Education provided a comprehensive analysis of the challenges and needs of Indian education, marking a significant milestone as the first government-led effort to draft a national education framework. It thoroughly evaluated existing conditions, offered constructive criticism, and proposed reforms. Key recommendations included improving teacher salaries and working conditions, ensuring equal opportunities for all students, and introducing education for the handicapped—an aspect addressed for the first time in Indian educational planning. This made it a notable attempt at framing a progressive educational vision for India.¹⁹¹

However, the scheme faced criticism for its lack of originality and reliance on replicating the British education system, which did not align with India's vastly different social, political, and economic context. It was deemed more of a compilation of prior recommendations than a genuinely innovative proposal. Additionally, while it set ambitious educational ideals, it failed to outline practical means for their implementation, limiting its applicability and effectiveness as a truly national education plan.¹⁹²

The evolution of education policies during British rule in India was marked by a blend of political motives and reformist goals. Beginning with selective education to create a

¹⁹⁰ Jana, P, Mahatma Gandhi and basic Education. Anu Book house p. limited, 2020

¹⁹¹ Ibid

¹⁹² See Roy M Supra Note 177

loyal administrative class, significant milestones included the Charter of 1813, which introduced financial support for education, and Macaulay's 1835 minutes, emphasizing English as the medium of instruction through the Downward Filtration Theory. Wood's Despatch of 1854 established a structured education system while balancing English and vernacular education. Later reforms, such as the Hunter Commission of 1882 and the Wardha and Sargeant Plans, sought to address primary education and vocational training, reflecting attempts to align education with India's socio-economic needs. While these initiatives expanded access, they prioritized British interests, sidelining Indian cultural heritage and emphasizing English, leaving a mixed legacy of progress and challenges for modern Indian education.

2.7 Education post-independence

The educational system in India was in appalling condition at the time of India's Independence in the year 1947. There were around 17 universities and 636 colleges (with a total enrolment of 2,38,000 students), 5,297 secondary schools with 8,70,000 students (implying that only one child out of every twenty in the age group 14-17 was enrolled), 12,843 middle schools with two million students (implying that only one child out of every eleven in the age group 11-14 was enrolled), and 1,72,661 primary schools with fourteen million pupils (which implied that only one child out of every three in the age-group 6- 11 was in school).¹⁹³ Educational disparities were significant, particularly across regions, urban and rural areas, men and women, and the scheduled castes and tribes on the one hand and the advanced and intermediate castes and tribes on the other. Particularly at the school level, educational standards were typically below average, placing too much focus on English with least emphasis on science, math, or Indian languages. Literacy rates were at fourteen percent, and total educational spending was around Rs. 570 million, or less than half of one percent of national output.¹⁹⁴

The Indian government faced a two-fold challenge post-independence: addressing widespread illiteracy by providing elementary education to 85% of the population and reforming the education system to prepare youth for nation-building. However, these

¹⁹³ Indian Education System: Around Independence And Thereafter – OpEd – Eurasia Review last visited on October 2017

¹⁹⁴ Ibid

efforts were hindered by limited finances, a shortage of trained teachers, and debates over the medium of instruction.¹⁹⁵

In response, Maulana Abdul Kalam Azad, the education minister, convened an All-India Education Conference in January 1948. Prime Minister Jawaharlal Nehru emphasized the need to revolutionize the educational system, while Maulana Azad underscored basic education as a birthright essential for responsible citizenship.

Key outcomes of the conference included endorsing universal free and compulsory basic education for eight years, as recommended by the Central Advisory Board of Education. However, in cases of financial or practical constraints, a shorter plan of at least five years was suggested. The timeline for achieving universal education, initially set at 40 years by the Sargent Plan, was to be significantly shortened.¹⁹⁶

The foundation for India's educational development was outlined in the 1944 Central Advisory Board of Education (CABE) report, 'Post-War Educational Development in India'. However, by 1948, practical challenges highlighted the need to revise these recommendations, particularly the 40-year timeline for implementing an eight-year course of compulsory education. It was agreed to shorten this period, with compulsory education for children aged 6–11 (five years) as the minimum standard.¹⁹⁷

In 1948, the Kher Committee was formed to address financial concerns and propose sustainable methods for educational development. Key recommendations emphasized the state's responsibility to provide Junior Basic Education for all while maintaining higher education standards. States were urged to implement universal compulsory education for children aged 6–11 within ten years, with flexibility for financial challenges. Funding allocations proposed dedicating 10% of central and 20% of provincial revenues to education, with 70% of the costs covered by provinces and 30% by the central government. Additionally, education-related contributions were to be exempt from income tax to encourage financial support.¹⁹⁸ In 1949 and 1950, Maulana Azad, then Education Minister, reiterated the government's commitment to free and

¹⁹⁵Muralidharan, K and Sheth, K, Bridging education gender gaps in developing countries: The role of female teachers. *Journal of Human Resources* 51: 269 —297, 2016

¹⁹⁶Dr. R. N. Nadar, Contemporary Issues and Challenges in The Indian Education System, International Management Research Conference 2018

¹⁹⁷ See Muralidharan Supra Note 195 at 221

¹⁹⁸ See Nadar Supra Note 196

compulsory education, envisioning its realization within 16 years through successive five- and six-year plans. He identified four key objectives: universal basic education, adult literacy, improved technical education for industrial development, and reorganized university education.¹⁹⁹

Despite Azad's advocacy for education as a birthright, his efforts did not translate into its recognition as a legal fundamental right in the Constitution's initial draft. The Constituent Assembly ultimately dropped the proposal, leaving education as a directive principle rather than a constitutional guarantee.²⁰⁰

After independence, the Indian Constitution committed to providing free and compulsory education for children up to age 14 through Article 45²⁰¹, but placed it under the non-enforceable Directive Principles of State Policy. Despite debates during the Constitution's drafting, the framers opted not to make education a fundamental right due to resource concerns. This decision delayed the realization of universal elementary education (UEE), originally envisioned for completion within 10 years. Committees like the Sargent and Kher Committees laid the groundwork, proposing phased implementation and funding strategies. However, resource shortages, refugee crises, and lack of political urgency hampered progress.²⁰²

Accordingly, many Committees and Commissions were established in the aftermath of Independence to examine the issues and make recommendations for the future. Universities were seen to have a vital role to play in the development process.

First post-independence commission was constituted under the leadership of Dr Sarvapalli Radhakrishnan, which mostly dealt with higher education, alongwith topics relating to school education. The commission aimed at creating citizens with high moral standards through the medium of education. It emphasized upon the role of university to bring about all round development of students. Due importance was also given to

¹⁹⁹ Aggarwal, J.C, Landmarks in the History of Modern Indian Education. Vikas Publishing House Pvt. Ltd.Pg Nos 51 -60 New Delhi, 1993

²⁰⁰ Relevance of Educational Philosophy of Maulana Azad, The Statesman dated 10th November, 2022 last visited on October 2023

²⁰¹ INDIA CONST, Art 45: Provision for free and compulsory education for children
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.

²⁰² See Aggarwal Supra Note 199 at 45

promotion of women education by setting up educational institutions for women as well as broadening the reach of education to the rural areas of the country.²⁰³

The Kothari Commission was established in the year 1964 - 65 to prepare a comprehensive education policy in line with Nehru's mission and core ideas. The Kothari Commission thoroughly covered almost all the facets of the educational system and thus paved the way for India's national educational movement. The Commission suggested restructuring of the educational system to include 10+2+3 standard. The two-fold aims of education were stated to create manpower for the industrial sector and as a means of social reform.²⁰⁴

The Commission aimed to redirect the educational system towards the public in order to assist individuals in becoming self-sufficient. It aimed to bridge the gap between labour and education, resulting in products that were both good workers and well-educated. Diversified courses were planned to be introduced only at the +2 stage under this proposal. The Commission's major recommendations included a focus on science and mathematics, the inclusion of work experience as an integral part of the school curriculum, the establishment of a common school system, a 12-year educational structure, free textbooks at the primary level, the provision of mid-day meals, the promotion of handicapped education, and special measures to ensure equal educational opportunities (regional, tribal, and gender imbalances to be addressed). The Commission stressed upon the importance of alternate educational channels in the fight against illiteracy and adult education.²⁰⁵

It focused on institutional planning for increasing standards across the country, promotion of a new work ethic, enhanced teaching and learning materials, methods of teaching and evaluation, and selected school development to increase education quality. It emphasized that the most pressing need was to significantly increase teacher salaries, particularly at the elementary and secondary school levels. It was suggested that the government should establish minimum pay scales for teachers and help states and union territories in implementing equivalent or higher pay scales.²⁰⁶

²⁰³ Id at 70-77

²⁰⁴ Poornima, M.(2020). Kothari Commission Report (1964–66). 10.4324/9781003124306-8.

²⁰⁵ Ibid

²⁰⁶ See Aggarwal Supra Note 199

The National Policy of 1968, which was based on the Kothari Commission's recommendations, was a watershed moment in the history of Independent India. Its goal was to foster national progress, a sense of shared citizenship, and stronger national integration. It emphasized the need for a comprehensive transformation of the educational system in order to increase its quality at all levels, and it placed a stronger emphasis on Science and Technology, the promotion of moral values, and a closer link between education and people's lives.²⁰⁷

The NPE-1968 highlighted that great efforts should be made to ensure that the Directive Principle under Article 45 of the Constitution, which seeks to provide free and compulsory education for all children up to the age of 14, is implemented as soon as possible. It was advised that appropriate programmes be devised to reduce school 'wastage' and 'stagnation,' and to ensure that every kid enrolled in school successfully completes the specified course. The policy also promoted curriculum enrichment, as well as improved textbooks and teaching methods. It pushed for the improvement of science education in schools and the expansion of scholarship programmes for underprivileged students.²⁰⁸

Despite the fact that NPE-1968 was a good attempt at providing ways forward, it was unable to be executed successfully due to a lack of a comprehensive implementation plan, specific task assignment, and financial and organizational support.

In 1974, the Government of India adopted the National Policy for Children, emphasizing the importance of children as the nation's most valuable assets. Aligned with the U.N. Declaration of the Rights of the Child, the policy committed to ensuring the physical, mental, and social development of children by providing adequate services from birth through growth stages. It aimed to progressively expand these services for all children to achieve balanced growth.²⁰⁹

The National Policy for Children (1974) emphasized ensuring the right to education by proposing free and compulsory education for children up to 14 years, with a time-bound plan aligned with available resources. It prioritized reducing school wastage and

²⁰⁷ See Government of India, Ministry of Education (1968). National Policy on Education 1968

²⁰⁸ Ibid

²⁰⁹ See Government of India, Department of Social Welfare, New Delhi, the 22nd August, 1974
Subject: National Policy for Children

stagnation, especially for girls and children from marginalized communities, while also introducing informal education for pre-schoolers from these groups. Additionally, the policy advocated for alternative forms of education tailored to children unable to fully benefit from formal schooling.²¹⁰

The 42nd Amendment to the Indian Constitution in 1976 shifted education from the State List to the Concurrent List, making it a shared responsibility of both the Central and State Governments. This change, advocated by the 1968 National Policy on Education and recommended by a committee led by S. Swaran Singh, aimed to facilitate the development of all-India policies for education and ensure coordinated action between the Centre and States. The amendment enabled the Central Government to play a more significant role in areas like maintaining educational quality, promoting research, addressing national manpower needs, and fostering the integrative character of education. The National Policy on Education, 1986, operationalized this concurrency by emphasizing shared responsibility while allowing the Centre to support elementary education financially, especially in states with limited resources. This move has strengthened elementary education and advanced national educational standards.²¹¹

In 1985, the Indian government assessed the existing educational system, and the policy was laid out in the document "Challenge of Education: A Policy Perspective." India's new education policy was designed to prepare the country for the twenty-first century. The 1986 policy acknowledged that the 1968 policy goals of establishing a school within a kilometer and adopting a common education structure had been reached; however, it emphasized that more financial and organizational assistance was required to address access and quality issues. The goal of the policy was to boost educational standards and expand educational opportunities.²¹² At the same time, it would protect the secularism, socialism, and egalitarian values that have been advocated since Independence. In addition, the administration recommended soliciting financial assistance from the business sector to supplement government revenues. In order to maintain quality and standards, the Central Government also stated that it will accept a broader duty to

²¹⁰ Ibid

²¹¹ See National Policy for children 1974

²¹² See Government of India, Ministry of Education (1986). National Policy on Education 1986

enforce the national and integrated nature of education. The states, on the other hand, continued to play an important role, particularly in terms of curriculum.²¹³

NPE 1986 proposed a national education system based on the established 10+2+3 structure. It proposed an elementary system consisting of 5 years of primary and 3 years of upper primary education, followed by 2 years of high school, to further split up the first 10 years. It was proposed that the +2 stage be recognized as part of national school education. The national system suggested that, up to a certain degree, all students, regardless of caste, creed, locality, or gender, had equal access to a comparable education.²¹⁴ The Policy reaffirmed the importance of taking effective efforts to implement the 1968 Policy's recommendation of a common school system. The establishment of Navodaya Vidyalaya's was another watershed moment in the history of education, particularly primary school.

It emphasized on providing opportunities for females to receive elementary education and resolving issues in this area. Primary schools in isolated areas, such as ashrams or residential schools in tribal areas, have also been suggested. The policy stressed the integration of children with motor disabilities in regular schools and the establishment of special schools at district headquarters.²¹⁵

Improvement of educational quality through improved school environments, child-centered and activity-centered teaching methodologies, year-round evaluation, elimination of all forms of physical punishment, continuation of the practice of not failing students in any class at the elementary level, and provision of necessary facilities in primary schools were recommended. The policy affirmed that District Institutes of Education and Training (DIET) be formed with the capability of organizing pre-service and in-service courses for elementary school teachers, as well as non-formal and adult education. Sub-standard institutions should be phased out as DIETs are founded, and selected Secondary Teacher Education Institutes should be modernized to complement the work of State Councils of Educational Research and Training (SCERT). The National Council for Teacher Education (NCTE) should be given the resources and

²¹³ Ibid

²¹⁴ Mukerjee, S. N. 1976. Education in India: Today and Tomorrow, pgs 114-127, Acharya Book Depot. Vadodara

²¹⁵ Ibid

capabilities it needs to certify teacher-education institutions and offer advice on curricula and approaches. Networking agreements between teacher education institutions and university departments of education should be established. The NPE and POA debated the notion of language development in depth, emphasizing the importance of regional languages as a medium of instruction at the university level. At the elementary school level, the mother tongue should be the medium of instruction. The following recommendations were made in relation to language practice: -

- a. Three-language formula, improvements in students' linguistic competencies at various stages of education;
- b. Provision of facilities for the study of English and other foreign languages; and
- c. Development of Hindi as a link language, among others.²¹⁶

Operation Blackboard was recommended in this Policy's Programme of Action (PoA) to strengthen the human and physical resources available in primary schools. Education for equality was advocated in the updated programme of action. It called for a more comprehensive Operation Blackboard to expand its coverage area up to upper primary school, a minimum of 50% female teachers in future elementary school appointments, an informal education programme for educationally disadvantaged and working boys and girls, and computer education in as many schools as possible. It was also suggested that elementary schools remain open year-round.²¹⁷

The encouragement of privatization and the sustained emphasis on secularism and science were two significant legacies of the 1986 programme. The NPE 1986, also focused on environmental awareness. Common school curriculum, minimum levels of learning, value education, involvement of media and education technology, job experience, emphasis on teaching Mathematics and Science, Sports and Physical Education, and education for international understanding were all major components of the policy.²¹⁸

²¹⁶ Mukerjee, S. N. 1976. Education in India: Today and Tomorrow, pgs 114-127, Acharya Book Depot. Vadodara

²¹⁷ Operation Blackboard | Education for All in India, Last visited on October 2019

²¹⁸ See National Policy on Education 1986 Supra Note 212

In 1989, the government formed a review committee, chaired by Acharya Ramamurthy, to assess the development and efficiency of NPE 1986. To eliminate social, economic, geographical, and gender imbalances, the Committee suggested that even private schools be turned into public schools. It was suggested that specific programmes for SCs, Tribes, Women, and educationally disadvantaged minority be developed. It highlighted on the importance of availability of funds to improve the basic structure and quality of primary education. It recommended for conduct of primary education in the native tongue, and discontinuation of aid to schools providing education in other languages. The Committee's suggestion served as the foundation for the development of a new programme of action, the updated Programme of Action, 1992. In 1992, the government created another committee, chaired by Janardan Reddy, to consider the Ramamurthy Committee's recommendations. The Committee's findings served as the foundation for a revised National Policy on Education, as well as a concrete programme known as the 1992 Programme of Action (POA 1992).²¹⁹

The Commissions and Policies made various recommendations for school system setup in order to accomplish the goal of universal education. Furthermore, the 1986 policy stated that all children, regardless²²⁰ of social, economic, or other inequalities, would be able to attend the Common School System.²²¹

In 1990, world leaders convened in Jomtien, Thailand, to advance the agenda of ensuring basic education for all children, emphasizing its role as both a necessity for human development and a fundamental right. India participated actively by signing the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs, adopted at the conference jointly sponsored by UNDP, UNESCO, UNICEF, and the World Bank. This declaration aimed to achieve Education for All (EFA) by 2000. India also reaffirmed its commitment as a signatory to the Dakar Declaration in 2000, continuing its involvement in the global movement for universal education.²²²

²¹⁹ Ibid

²²⁰ See National Policy on Education 1986 Supra Note 212

²²¹ See National Policy on Education 1986 Supra Note 212

²²² See Mukerjee Supra Note 214

International commitments for the protection of children began with the Geneva Declaration of 1924, which outlined principles for the child's normal development, material and spiritual, and emphasized protection from exploitation. The Universal Declaration of Human Rights in 1948 further recognized children as a category entitled to special care, including the right to free and compulsory education. The Declaration on the Rights of the Child in 1959 developed these principles further, and by 1989, the Convention on the Rights of the Child was adopted, establishing a legally binding commitment for states to ensure the rights of children, including compulsory and free primary education. India ratified this convention in 1992, committing to align its laws with international standards and develop mechanisms for implementation.²²³

India also made significant constitutional reforms to support education, with the 42nd Amendment in 1976 bringing education into the Concurrent List, making it a shared responsibility between central and state governments. The 73rd and 74th Constitutional Amendment Acts of 1992 created a decentralization framework, empowering local bodies through the Panchayati Raj system, which enabled community participation in educational governance. The 1992 Supreme Court ruling in the Mohini Jain case further affirmed the right to education as a fundamental right under the Indian Constitution, marking a legal milestone in ensuring education for all citizens.²²⁴ These legal and constitutional changes reinforced the national commitment to universal elementary education.

The Unnikrishnan vs. State of Andhra Pradesh²²⁵ case in 1993 was a significant moment in the legal history of India, where the Supreme Court ruled that the right to education is a fundamental right under Article 21 (Right to Life) of the Indian Constitution. The court stated that education is essential for meaningful life, and every citizen has the right to free education up to the age of 14. However, it also clarified that this right is not absolute, as it depends on the economic capacity and development of the state. This ruling provided a legal framework for the implementation of education rights but acknowledged the challenges in ensuring universal access to education.

²²³ Id at pg 212-214

²²⁴ Mohini Jain v. State of Karnataka, 1992 AIR 1858

²²⁵ 1993 AIR 2178

In response to the ruling, the Indian government initiated several steps to explore how to implement the judgment and amend the Constitution to establish education as a fundamental right. The Saikia and Tapas Majumder Committees were formed to assess the financial and logistical implications of such an amendment. The Saikia Committee's report in 1997 recommended making education up to 14 years a fundamental right and suggested that parents have a duty to ensure children's education. It also proposed that states take the lead in enacting laws to enforce this right, with guidance from the central government. While emphasizing the importance of community involvement, decentralization, and improved infrastructure in schools, the committee recognized that political will and administrative resolve were key to achieving universal elementary education.²²⁶

In 1998, the Law Commission of India prepared a detailed report on "Free and Compulsory Education for Children," which aligned with the constitutional Directive Principles and Supreme Court rulings. The report recommended a central legislation for free and compulsory education, emphasizing that such a law would not need ratification by state legislatures due to its placement under the Concurrent List of the Constitution. According to the Commission, the central law would prevail over state laws in the event of any conflict, unless the state law was inconsistent, in which case the President's assent would be required. The Commission also noted that 19 states and union territories had already enacted laws making elementary education compulsory.²²⁷

In response to the Saikia Committee's 1997 report, which recommended the financial assessment of implementing the proposed constitutional amendment, an Expert Group was formed in 1997. The group, led by Professor Tapas Majumdar, concluded that the right to education had become a legal entitlement due to the Unnikrishnan judgment, making the state responsible for ensuring education for all children. The group estimated that an additional Rs 1.37 lakh crore would be required over 10 years to integrate out-of-school children into the formal education system, which amounted to an annual investment of Rs 14,000 crores, or 0.78% of India's GDP. This financial commitment

²²⁶ See Mukerjee *Supra* Note 214

²²⁷ Yechuri, Sitaram., *Educational Development in India*. *Social Scientist*. No. 153-154, Vol.14, No.2 & 3, 1986

would require reallocating resources, potentially cutting back on other expenditures to prioritize the realization of the fundamental right to education.²²⁸

The Dakar Conference in 2000, which reviewed the progress of the Education for All (EFA) goals set at the Jomtien Conference in 1990, revealed mixed results. While some countries made significant strides towards achieving the goals, others fell short. As a result, the Dakar Meeting revised the targets for countries that had not met their objectives and set new commitments to be achieved by 2015. These included expanding early childhood care, ensuring free and compulsory primary education for all children, particularly marginalized groups, improving life skills for youth and adults, reducing adult illiteracy by 50%, eliminating gender disparities in education, and enhancing educational quality to achieve measurable learning outcomes in literacy, numeracy, and life skills.²²⁹

In 2000, the Ambani and Birla Committee presented a report recommending a policy framework for education reforms in India, which emphasized the need to prioritize compulsory and free primary education as a constitutional obligation. The report stressed that local bodies, such as panchayats and municipalities, should play an active role in ensuring access to primary education. It also highlighted that increased government spending on education, supported by restructuring public sector allocations, would be necessary to meet the goal of universal primary education. Additionally, at the Millennium Summit in September 2000, the international community, including the IMF, World Bank, OECD, and UN agencies, reaffirmed the commitment to achieving universal primary education as part of the broader Millennium Development Goals (MDGs), further aligning global efforts toward improving education access.²³⁰

The 93rd Constitution Amendment Bill, following recommendations from the Parliamentary Standing Committee on Human Resource Development, the Ministry of Law, and the Law Commission of India, was passed by both Houses of Parliament. This amendment introduced key provisions, including the insertion of Article 21A, which mandates free and compulsory education for all children aged 6 to 14, and the revision

²²⁸ Ibid

²²⁹ Singh, V. N, *Education in India: From Earlier Times to Today*. Vista International Publishing House, pg 134-140, New Delhi, 2005

²³⁰See Mukerjee Supra Note 214

of Article 45 to emphasize early childhood care and education for children up to six years of age.²³¹ Additionally, a new clause was added to Article 51A, making it a fundamental duty for parents or guardians to ensure education for their children or wards between the ages of 6 and 14.²³²

In line with the constitutional changes, the Sarva Shiksha Abhiyan (SSA) was launched in 2001 to implement the right to education for children aged 6 to 14, as stipulated by the 86th Amendment of 2002. The SSA aims to provide universal primary education across India, with a National Mission headed by the Prime Minister and monitored by the Minister for Human Resource Development. The initiative evolved from the recommendations of the State Education Ministers' Conference in 1998 and was further developed by a National Committee of State Education Ministers. Following a report in 1999, SSA was approved by the Union Cabinet in November 2000 and became operational in January 2001, marking a significant effort to achieve universal elementary education through a coordinated and mission-driven approach.²³³

The National Commission to Review the Working of the Constitution was established by the Government of India in February 2000 to assess how the Constitution could adapt to meet the evolving needs of governance and socio-economic development. In its report submitted in March 2002, the Commission addressed the Right to Education, discussing the then-pending 93rd Amendment Bill. While the Bill focused on education for children up to 14 years, the Commission recommended expanding the right to free and compulsory education to include children up to the age of 18 for girls and members of Scheduled Castes and Tribes. It also suggested that the provision for education beyond the age of 14 should be based on the economic capacity and development stage of the State.²³⁴

The Commission emphasized that the commitment to free and compulsory education for all children until the age of 14 should remain non-negotiable, and that local self-government institutions like Panchayats should be responsible for the Universalization

²³¹ INDIA CONST Art 45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

²³²INDIA CONST Art 51A (k). 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.

²³³ See Singh, Supra Note 229

²³⁴ See Mukerjee Supra Note 214

of Elementary Education. It further recommended modifying the 93rd Amendment Bill to guarantee free education for children until the age of 18 for certain groups and to ensure the provision of education beyond 14 years in accordance with the state's capabilities. The Commission also proposed the creation of an independent National Education Commission, tasked with reporting to Parliament every five years on the progress of education-related constitutional mandates and other relevant issues.²³⁵

The Constitution (93rd) Amendment Bill, 2001, which was passed in 2002, led to the enactment of the Constitution (86th Amendment) Act, 2002, with significant changes to India's Constitution. This amendment introduced Article 21A, making the right to free and compulsory education for children aged 6 to 14 a fundamental right. Additionally, Article 45 was revised to emphasize early childhood care and education for children below six years, while Article 51A was amended to impose a duty on parents or guardians to ensure educational opportunities for children between 6-14 years. These amendments marked a pivotal shift in recognizing education as a core constitutional right, though the responsibility for its implementation and the manner of provision was left to be determined by state laws.

Following the constitutional amendment, the government initiated the process to draft legislation to provide free and compulsory education to children. This led to the drafting of the Free and Compulsory Education for Children Bill in 2003, which was later revised and reintroduced as the Free and Compulsory Education Bill in 2004. In 2005, a high-level committee highlighted the educational challenges faced by marginalized communities, such as Muslims, and stressed the state's role in fulfilling its obligation to provide education. By 2008, the draft Right of Children to Free and Compulsory Education Bill was finalized, taking into account feedback from various stakeholders, and was introduced in Parliament later that year. The bill became the Right of Children to Free and Compulsory Education Act, 2009, which came into effect on April 1, 2010, ensuring that education became universally accessible and of quality, with a focus on inclusivity and the involvement of various stakeholders.²³⁶

²³⁵ Id at pg 267-271

²³⁶ See Mukerjee Supra Note 214

The National Education Policy (NEP) 2020 in India, introduced on July 29, 2020, was approved by the Union Cabinet, signifying a major transformation of the country's education system. Replacing the National Policy on Education (NPE) 1986, NEP 2020 aims to meet the evolving needs of the education sector by providing a comprehensive framework for reforms and improvements. The policy emphasizes a shift from the traditional separation of arts and sciences to a more integrated and multidisciplinary approach to education. It promotes proficiency in three languages, prioritizing the mother tongue and encouraging the use of regional languages as mediums of instruction. NEP 2020 underscores the importance of online platforms for teaching and assessment, advocating the adoption of digital learning resources. It also prioritizes gender inclusivity, aiming to reduce gender disparities and ensure equal opportunities for all students.²³⁷

The policy recognizes the critical role of early childhood care and education (ECCE) in fostering overall child development. It seeks to provide universal access to quality ECCE for children aged 3-6 years. Foundational literacy and numeracy by Grade 3 are key goals, with early education focusing on building these essential skills through flexible, play-based, and age-appropriate learning methods. To enhance early childhood education, the policy proposes integrating Anganwadi Centres into the formal school system as pre-schools, improving both care and education quality. It advocates for using the mother tongue or local languages as mediums of instruction in the early years, facilitating better understanding and communication among young learners.²³⁸

Specialized training for educators in early childhood care is another focus, equipping teachers with skills to address the developmental needs of young children. Continuous assessment methods are recommended to monitor children's progress, emphasizing holistic evaluation beyond traditional exams. Additionally, NEP 2020 highlights the interconnectedness of nutrition, health, and education during early childhood. It supports initiatives that address these needs to ensure the overall well-being of young learners.²³⁹

²³⁷ See Government of India, Ministry of Human Resource Development (2020). National Policy on Education 2020

²³⁸ Ibid

²³⁹ See National Policy on Education 2020 Supra Note 237

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²⁴⁰ Ibid

²⁴¹ Kalyani, Pawan. (2020). An Empirical Study on NEP 2020 [National Education Policy] with Special Reference to the Future of Indian Education System and Its effects on the Stakeholders :: JMEIT. 7. ISSN : 2394-8124. 10.5281/zenodo.4159546.

²⁴² Ibid

Additionally, NEP 2020 highlights the interconnectedness of nutrition, health, and education during early childhood. It supports initiatives that address these needs to ensure the overall well-being of young learners.

At the time of India's independence in 1947, the education system was severely underdeveloped, with low enrolment rates, a 14% literacy rate, and significant disparities across regions and social groups. The government, led by Maulana Abdul Kalam Azad, began addressing these challenges by focusing on literacy and reforming the education system for nation-building. Various committees, such as the Kher and Kothari Commissions, emphasized universal education and restructuring the system. The National Policy on Education (NPE) in 1968 and the 1986 NPE further aimed at improving quality, inclusivity, and access, especially for marginalized groups. Legal milestones like the 1993 Supreme Court ruling and the 2002 93rd Constitutional Amendment made education a fundamental right. The 2009 Right of Children to Free and Compulsory Education Act expanded access, and the 2020 National Education Policy introduced reforms in early childhood education, multilingual instruction, teacher training, and addressing the link between nutrition, health, and education, focusing on inclusivity and quality education for all.

2.8 Conclusion

The history of education in India reflects a remarkable journey of evolution and adaptation, shaped by changing cultural, religious, and socio-political dynamics over millennia. This journey showcases the richness of India's intellectual traditions and the transformative impact of external influences, culminating in the modern educational system we see today. During the Vedic era, education was deeply intertwined with religion and spirituality. Gurukuls (residential schools) served as centers of learning, where students (shishyas) lived with their teachers (gurus) to gain knowledge. The curriculum included subjects like Vedas, Upanishads, astronomy, mathematics, and medicine. Education focused on character-building, discipline, and holistic development. However, access was restricted, primarily benefiting upper-caste males. Women and marginalized communities were often excluded, which was a significant drawback despite the system's philosophical richness.

The Buddhist period marked a shift towards inclusivity in education. Renowned institutions like Nalanda, Takshashila, and Vikramashila emerged as global centers of learning, attracting students from across Asia. The curriculum included logic, medicine, astronomy, philosophy, and languages, emphasizing rational thinking and ethical conduct. Education was accessible to a broader segment of society, including monks, laypersons, and foreigners. However, the focus was predominantly on monastic education, and practical scientific advancements took a backseat during this era.

Medieval India saw the coexistence of Hindu and Islamic educational traditions. Pathshalas and madrassas became key institutions, offering education in religious scriptures, grammar, mathematics, and law. The Islamic rulers introduced Persian and Arabic into the curriculum, enriching India's linguistic and literary heritage. While these systems preserved classical knowledge, they often prioritized theology over scientific and technological development. Access to education was still limited, and regional disparities persisted.

The arrival of the East India Company introduced significant changes to India's educational landscape. Initially, the British supported traditional institutions, but with time, they focused on creating an English-educated administrative workforce. The Charter Act of 1813 and Macaulay's Minute of 1835 emphasized English as the medium of instruction, sidelining indigenous knowledge systems. While Western education brought modern science, rationality, and administrative skills, it also alienated Indians from their cultural roots and widened the urban-rural education divide.

The establishment of universities in Calcutta, Bombay, and Madras in 1857 marked the formalization of Western-style higher education in India. These institutions played a pivotal role in nurturing a generation of leaders who later spearheaded India's independence movement. However, the British educational policy was largely utilitarian, designed to serve colonial interests rather than holistic societal development. Rural and primary education were severely neglected, and access was limited to a privileged few.

Post-independence, India's education system underwent significant reforms to address historical inequities and build a foundation for nation-building. The Constitution of India enshrined education as a fundamental right, aiming to provide universal access to

primary education. Landmark initiatives like the Sarva Shiksha Abhiyan and the establishment of premier institutions such as the IITs, IIMs, and AIIMS transformed the higher education landscape. However, challenges like regional disparities, high dropout rates, and gender inequalities remained persistent issues.

In recent decades, India's education system has embraced modernization and globalization. Policies like the National Education Policy (NEP) 2020 aim to foster multidisciplinary learning, integrate technology into education, and promote inclusivity. Digital education platforms, skill development programs, and efforts to universalize early childhood education reflect a forward-looking approach. Despite these advancements, concerns such as the rural-urban divide, affordability, and overemphasis on rote learning continue to impede equitable progress.

India's educational journey reflects a rich tapestry of innovation, adaptation, and resilience. While each period contributed to the growth and evolution of education, the system has continually grappled with balancing tradition and modernization. By addressing persistent inequalities and fostering innovation, India's education system has the potential to emerge as a global leader, transforming not only individual lives but also the nation's future trajectory.

Chapter 3

Right to Education: Legal Perspective in India

3.1 Introduction

Elementary education in India serves as the cornerstone of the nation's development, and its legal framework has evolved significantly to ensure universal access, equity, and quality. This chapter delves into the legal perspective on elementary education in India, tracing the journey from constitutional provisions to landmark legislations and judicial interventions that have shaped its trajectory. Anchored by the Right to Education (RTE) Act, 2009, which guarantees free and compulsory education for children aged 6 to 14 years, the chapter examines how legal mandates address challenges such as access, disparities, quality standards, and inclusion of marginalized communities. By analyzing these dimensions, the chapter highlights the legal framework that underpins India's commitment to achieving the goal of universal elementary education.

Education has been a much-debated topic at the time of framing of the Constitution. Framers of the Constitution realized the importance of education in the development of the nation. It was included under part IV of the Constitution as Directive Principles of State Policy.²⁴³ The directive given is for the state, which by virtue of Article 12 of the Constitution becomes a joint responsibility of both Central and State Government.²⁴⁴ Directive Principles of State Policy are mere guidelines for the good governance of the country and as such are unenforceable in the court of law. Initially, the Constituent Assembly Sub Committee on Fundamental Rights placed free and compulsory education under clause 33 of the Fundamental Rights List.²⁴⁵ However, the Advisory Committee of the Constituent Assembly rejected it as a Fundamental right and placed it under non justiciable fundamental rights which was later termed as Directive Principles of State Policy.²⁴⁶ Under Article 45, the lower age limit was not mentioned. Lack of

²⁴³ INDIA CONST Article 45. Provision for free and compulsory education for children

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.

²⁴⁴ INDIA CONST Article 12. Definition: In this part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

²⁴⁵ https://www.constitutionofindia.net/blogs/education_3_constituent_assembly_takes_up_free_and_compulsory_education_for_debate, last visited on October 2023

²⁴⁶ INDIA CONST Article 41 of the Indian Constitution - The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

INDIA CONST Article 45: Provision for early childhood, care and education to children below the age of six years

clarity pertaining to the starting age for entitlement of the right led to various speculations about the real intentions of the framers of the Constitution.²⁴⁷ Mr. Zakir Hussain, Chairman of the Wardha Committee, had approved child's education beginning from age 7 to 14. Although in its report, it did recognize the importance of pre-school education, but in view of financial and other considerations did not consider it proper to include as part of compulsory scheme.²⁴⁸

In addition to it, Fundamental Rights are an important part of our Constitution enshrined in part III of the Constitution. This concept has been borrowed from USA. Indian Constitution recognizes six Fundamental Rights. Article 21 of the Indian Constitution provides the right to life and personal liberty. Article 21 has always been subjected to judicial activism. Although worded in negative phraseology, judiciary has expanded the horizon of life and personal liberty to include innumerable human rights.²⁴⁹

Similarly, the Constitution also safeguards the Cultural and Educational Rights of the Minorities in India.²⁵⁰ Due provision is made in the Constitution to protect the

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. *

* Amended Text as per the 86th Amendment of December, 2002, but yet to be brought into force-
INDIA CONST Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

²⁴⁷ INDIA CONST Article 45. Provision for free and compulsory education for children: 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.

²⁴⁸ Basic national education: Report of the Zakir Husain Committee and the detailed syllabus, 1938, pp. 56-57

²⁴⁹ Article 21 A of the Indian constitution - 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.

²⁵⁰INDIA CONST Art 29. Protection of interests of minorities

(1)Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.(2)No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

INDIA CONST Art 30. Right of minorities to establish and administer educational institutions

(1)All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.(1A)In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.(2)The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

educational interests of socially and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes.²⁵¹

Education Commission (1964-65) did recognize the significance of Pre-Primary education as a contributory factor in promoting enrollment and retention, yet these recommendations did not find place in Nation Policy on Education, 1968. NPE 1986 recognized the relevance of Pre-Primary Education by laying down holistic principles for the development of ECCE Programme.²⁵² However, as late as in 1990's, Acharya Ramamurthi, Chairman of the Committee to review NPE, 1986, acknowledged the importance of Early Childhood Care and Education (ECCE) in promoting Universalization of Elementary Education. The report categorically admitted that Article 45 has been narrowly interpreted to include children above the age of five to six years and that ECCE is part of Constitution as originally envisaged.²⁵³

3.2 Factors leading to the Constitutional amendment

Initially In A.K. Gopalan v. State of Madras²⁵⁴, the Supreme Court of India addressed the scope of Article 21 in the context of preventive detention. A.K. Gopalan, a

²⁵¹ INDIA CONST Art 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(3)Nothing in this article shall prevent the State from making any special provision for women and children.

(4)Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

(5)Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

(6)Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—(a)any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and(b)any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category. Explanation.—For the purposes of this article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

²⁵² Government of India (GOI). (1990). Towards an enlightened and humane society: Report of the Committee for Review of National Policy on Education, 1986. New Delhi: Department of Education, Ministry of Human Resource Development

²⁵³ The Acharya Ramamurthi Committee Report (GOI, 1990, Para 5.1.2)

²⁵⁴ AIR 1950 SC 27

²⁵⁴ See Article 21 A Supra Note 249

communist leader, challenged his detention under the Preventive Detention Act, 1950, arguing that it violated his fundamental rights, including those under Articles 19, 21, and 22. The Court, by a majority, upheld his detention and adopted a narrow interpretation of Article 21, ruling that the "procedure established by law" mentioned in the Article referred only to laws enacted by the legislature, irrespective of whether such laws were just, fair, or reasonable.

The majority view, delivered by Chief Justice H.J. Kania and supported by other judges, held that Article 21 operates independently of other fundamental rights and does not require the law under which a person is deprived of liberty to meet the principles of natural justice. The Court also rejected the "due process of law" interpretation, which would have required laws to be substantively fair and just, thus upholding the legislative supremacy in matters of preventive detention. However, in a dissenting opinion, Justice Fazl Ali argued for a broader interpretation, suggesting that Articles 19, 21, and 22 are interconnected and that the right to personal liberty should not be curtailed without reasonable safeguards.²⁵⁵

The A.K. Gopalan case established the principle of procedural supremacy but was later overruled by *Maneka Gandhi v. Union of India*²⁵⁶, which broadened the interpretation of Article 21 to include fairness, justice, and reasonableness, thereby marking a significant shift in India's constitutional jurisprudence

In the year 1978, the seven Judge Bench of Supreme Court gave landmark judgment on 25th January 1978, which widened the scope of Article 21 exponentially. *Maneka Gandhi* case paved the way for a robust judicial interpretation. Apex court held that although Article 21 provides for procedure established by law, such procedure must be fair, rational and free from arbitrariness.²⁵⁷

This view was further endorsed in *Francis Coralie Mullin v. The Administration of Union of Territory*.²⁵⁸ By construing the right to life in a liberal manner, Supreme Court

²⁵⁵ AIR 1950 SC 27

²⁵⁶ See *Maneka Gandhi v Union of India*, AIR 1978 SC 597

²⁵⁷ Ibid

²⁵⁸ (1981) 2 SCR 516.

held that the right to life cannot be restricted to mere animal existence. It means something much more than physical survival.²⁵⁹

Judicial activism within the sphere of Article 21 of the Constitution was also evident in the area of education.²⁶⁰ In the year 1978, the Division Bench of the Delhi High Court held that right to education is a fundamental right.²⁶¹ Subsequently in *Mohini Jain v. State of Karnataka*, Apex Court held that the state has the duty to provide education as enumerated in Directive principles of State Policy of the Constitution.²⁶² Court asserted that the word 'Right to life' is more than 'life and limb' and also includes necessities of life including education. This is a landmark judgment by the Supreme Court of India, delivered by a two-judge bench comprising Justice Kuldeep Singh and Justice R.M. Sahai. Justice Kuldeep Singh, delivering the majority opinion, held that the right to education flows directly from the right to life under Article 21. The Court observed that education is essential for the full development of an individual's personality and is critical for the effective enjoyment of other fundamental rights. The judgment declared that the imposition of capitation fees by private institutions was arbitrary, exploitative, and violated the constitutional guarantee of equality under Article 14. It emphasized that the state has a duty to provide equal access to education for all citizens and to prevent commercialization.²⁶³

The court held that right to education is concomitant to the fundamental rights as guaranteed under Part III of the Constitution. It opined that human dignity is by far the inviolable right of every individual which can be successfully protected only if the citizens are vigilant. Vigilance in effect can be achieved only through education. It also highlighted the obligation of the government to make necessary provision of establishing and providing access to educational institutions as provided under the Directive Principles of State Policy. The court took rightful stand in holding directive principles as not mere pious declarations but on the contrary casting obligations upon the government to fulfil the same. It gave an extended meaning to the term 'right to life' as guaranteed under Article 21 of the Constitution as including among other rights, right

²⁵⁹ Ibid

²⁶⁰ See Article 21 A Supra Note 249

²⁶¹ See *Ananda Vardhan Clumdel v. Delhi University* (1978), Civil 597 Of 1977

²⁶² See 1992 AIR 1958

²⁶³ Ibid

to education. The Court by interpreting Preamble, Articles 21,38,39(c) and (f), 41 and 45 of the Constitution held that right to education falls within the purview of Article 21 of the Constitution.²⁶⁴

Accordingly, it was decided that the capitation fees deny the right to education of lower strata of society thereby making it a privilege of only the richer section of society which is violative of Article 14 of the Indian Constitution.²⁶⁵ This decision is rightfully a major turning point in the history of interpretation of Article 21 of the Constitution. The Mohini Jain case was pivotal in shaping the constitutional discourse on education in India. It laid the foundation for the subsequent judgment in Unni Krishnan v. State of Andhra Pradesh²⁶⁶, which elaborated on the scope of the right to education and its implementation. While Mohini Jain recognized education as a fundamental right, it left practical questions about the extent of the right and regulation of private institutions unanswered, which were later addressed in the Unni Krishnan case.²⁶⁷ This judgment remains a significant milestone in the fight against inequality and commercialization in education.

Right to Education which was initially part of Directive Principles of State Policy finally found its rightful place in part III of the Constitution with the landmark judgment in Unni Krishan v. State of Madras.²⁶⁸ It is a landmark judgment delivered by a five-judge bench of the Supreme Court of India, comprising Chief Justice M.N. Venkatachaliah, and Justices A.M. Ahmadi, Kuldip Singh, S. Mohan, and B.P. Jeevan Reddy. The case addressed the scope of the right to education under the Constitution and the regulation of private educational institutions. Private institutions challenged the state's authority to regulate their admissions and fee structures, arguing that such control infringed on their autonomy. The petitioners also raised questions about whether the right to education could be considered a fundamental right under Article 21.²⁶⁹

Justice B.P. Jeevan Reddy, writing the majority opinion, held that the right to education is a fundamental right under Article 21, as education is necessary for the meaningful

²⁶⁴ 1992 AIR 1958

²⁶⁵ India Constitution Article 14 - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

²⁶⁶ 1993 AIR 2178

²⁶⁷ Ibid

²⁶⁸ 1993 AIR 2178

²⁶⁹ Ibid

exercise of the right to life. The Court ruled that free and compulsory education for children up to the age of 14 years is a fundamental right. Beyond this age, the right to education was deemed subject to the state's economic capacity under the Directive Principles of State Policy (Articles 41, 45, and 46).²⁷⁰

While elaborating on the scope of Article 21 of the Constitution, the Court observed that right to life includes right to live with human dignity and includes bare necessities of life such as adequate nutrition, clothing, shelter and facilities for reading, writing and expressing oneself. This court further stressed upon the fact that although the citizens of this country have a fundamental right to education, it is however not an absolute right. Every child / citizen shall have a fundamental right to education until he completes the age of fourteen years. Thereafter the right is subject to the limits of economic capacity of the state. The matter under consideration in the Unni Krishnan case pertained to determining the extent of Article 21 of the Indian Constitution. The Apex Court relied upon the precedents given by this court earlier²⁷¹ and held that provisions of Part III and Part IV are complementary and supplementary to each other and that the fundamental rights are means to achieve the objects of Part IV of the Constitution.²⁷²

Further, the court held that providing education is a state function. As such, unless financial assistance provided, private unaided institutions cannot be compelled to charge fees in tune with government institutions.

The judgment, authored primarily by Justice Jeevan Reddy, had significant implications for the Indian education system. It reaffirmed the state's obligation to provide free and compulsory education and established a framework for regulating private educational institutions. This case served as a precursor to the 86th Constitutional Amendment in 2002, which introduced Article 21A, explicitly recognizing the right to free and compulsory education for children aged 6 to 14 years. The judgment remains a cornerstone in India's education jurisprudence, balancing private rights with the public's need for accessible education.

²⁷⁰ [1992] 3 SCC

²⁷¹ Champakam Dorairajan v State of Madras 1951 AIR 22 Also see Shankari Prasad v Union of India 1951 AIR 458

²⁷² Ibid

The Unni Krishnan case was instrumental in bringing the 86th Constitutional amendment in the year 2002.²⁷³ This Constitutional Amendment ensured the right to free and compulsory elementary education for all children upto 14 years of age. This in fact raised the status of right to education from a mere legal right to that of fundamental right. The main purpose of this amendment was to ensure access to quality education along with safe environment to successfully complete the elementary education. In its statement of Objects and reasons, it clearly highlighted the failure to achieve the objectives of Article 45²⁷⁴ inspite of span of around 37 years. Through this Amendment, it asserted the political will and the resolution of the country to achieve UEE in India and thereby to eradicate illiteracy. It aimed to provide necessary momentum to achieve UEE by the year 2000. Lot of debates surrounded fixing of the age limit between six to fourteen years and consequent deletion of Article 45, which in effect would take away the right to pre-primary education. As to the age limit, it was opined that as the right becomes justiciable, what is enforceable would be between age group of six to fourteen years of age, although it did recognize the importance of pre - primary education.

On account of providing necessary benefits of education to pre-primary education, Article 45 was substituted to include Pre-Primary education through 86th Constitutional Amendment Act, 2002.²⁷⁵

On 1st April, 2010, The Right to Free and Compulsory Education Act, 2009 was passed to give effect to the 86th Constitutional Amendment. The Right to Free and Compulsory Education Act, 2009 (RTE Act, 2009) provides for free education thereby making education accessible to all irrespective of any differences.²⁷⁶ Secondly, the word 'compulsory education' casts duty upon the varied stakeholders which include

²⁷³ 86th Constitutional amendment - Provision for free and compulsory education for children:
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.

It was brought into force on 12th December, 2002.

²⁷⁴ See Article 45 Supra Note 23

²⁷⁵ Provision for early childhood care and education to children below the age of six years.

"INDIA CONST ART 45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

²⁷⁶ Right of Children to Free and Compulsory Education Act, 2009. :An Act to provide for free and compulsory education to all children of the age of six to fourteen years.

government, schools, teachers and parents to provide and to ensure that all children aged 6 to 14 have access to and complete elementary education.²⁷⁷

3.3 The Right of Children to Free and Compulsory Education Act, 2009

The Right to Education (RTE) Act of 2009 in India was a significant step toward achieving universal education, and it was shaped by a combination of socio-economic challenges and legal frameworks that emphasized education as a fundamental right. One key factor was the recognition that millions of children in India, especially from marginalized communities, were being excluded from the educational system. India faced immense disparities in access to quality education, particularly in rural and remote areas, where poverty, social stigma, and lack of infrastructure contributed to high dropout rates. Furthermore, a large proportion of children were working instead of attending school, perpetuating a cycle of illiteracy and poverty. These challenges prompted the Indian government to seek a more structured and legally binding approach to addressing the education gap.²⁷⁸

Another major factor was the international pressure to meet global educational standards, especially with the Millennium Development Goals (MDGs) that included

²⁷⁷ The Right of Children to Free and Compulsory Education Act, 2009, Section 8: Duties of appropriate Government. The appropriate Government shall

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school. Explanation. The term compulsory education means obligation of the appropriate Government to

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in Section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in Section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

²⁷⁸ Kumar, Nisar & Sheergugri, Sheeraz Ahmad. (2022). A Study on RTE Act 2009 with Special Reference to Student-Teacher Ratio and Infrastructure in Gwalior City (M.P). International Journal of Advanced Research in Science, Communication and Technology. 255-260. 10.48175/IJARSC-2660.

universal primary education by 2015. The Indian government, in line with the global commitment to education, had already made some strides in improving enrolment rates, but the quality of education remained a concern. The enactment of the RTE Act aligned with global aspirations and India's internal policy goals to improve literacy rates, child welfare, and human development indices. International organizations like UNESCO and UNICEF also played an important role by advocating for free and compulsory education for children, further influencing the design of the RTE Act.²⁷⁹

In addition to these pressures, the RTE Act was influenced by the Indian judiciary, which increasingly recognized the right to education as a fundamental right under the Constitution of India. In 1993, the Supreme Court of India declared that the right to education was implied under Article 21, and this legal precedent paved the way for further legislative action.²⁸⁰

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) was a significant legislative effort, stemming from the 86th Constitutional Amendment Act of 2002. The process was revived under Prime Minister Dr. Manmohan Singh in February 2008, leading to the formation of a Working Group to review and revise the 2005 draft legislation.²⁸¹ Feedback from states and ministries was incorporated, and the revised draft was finalized by the Legislative Department as the Right of Children to Free and Compulsory Education Bill, 2008. The Union Cabinet approved the Bill on 30th October 2008, and it was introduced in the Rajya Sabha on 15th December 2008.²⁸² After being examined by the Department-related Parliamentary Standing Committee, the Bill received recommendations emphasizing community involvement and addressing shortcomings in state-level implementation.

The Bill was passed by the Rajya Sabha on 20th July 2009 and the Lok Sabha on 4th August 2009. It received Presidential assent on 26th August 2009 and was officially published in the Gazette of India the next day. The Act, which made education a fundamental right for children aged 6–14 years, came into force on 1st April 2010 after

²⁷⁹ Ibid

²⁸⁰ [1992] 3 SCC

²⁸¹ Joshi S.K, Journey of Right To Education: A Historical perspective, Scholarly Research Journal for Interdisciplinary Studies, ISSN 2278- 8808, NOV-DEC, 2013. VOL. II/IX, pgs 756 -763

²⁸² Naik, J.P, Elementary Education in India – A promise to keep, Bombay, Pgs 325-330, Allied Publishers.

a notification in February 2010. This landmark legislation was a culmination of years of advocacy and public pressure, overcoming resource constraints and earlier hesitations regarding centralized implementation. It marked a historic moment in India's education policy, addressing challenges in ensuring universal elementary education.²⁸³

The Act mandates free and compulsory education for children aged 6 to 14 years and seeks to ensure equitable and inclusive quality education for all children across the country, addressing long-standing issues of accessibility, quality, and equity.²⁸⁴

The Act consists of seven chapters and 38 sections alongwith the schedule annexed to it. It extends to the whole of India with the exception of the state of Jammu and Kashmir. Goa Government notified RTE Rules on 2nd August, 2012, three years after the enactment of the parent Act.

The major highlights of the enactment are as follows:

The Act makes substantive and elaborate provision for the fundamental right guaranteed under Article 21 A of the Indian Constitution. It guarantees free and compulsory education till completion of elementary education. It seeks to promote inclusive education by including children with disability, children belonging to disadvantaged groups and children belonging to weaker section within the purview of the Act.

3.3.1 Constitutionality of the RTE Act, 2009

The constitutionality of the RTE Act, 2009 was challenged before the Supreme Court pertaining to the reservation of 25% admissions²⁸⁵. The Supreme Court however upheld the constitutionality of section 12 of the RTE Act, 2009²⁸⁶. *Society for Unaided Private Schools of Rajasthan v. Union of India and Another* (2012) is a significant judgment by a three-judge bench of the Supreme Court of India comprising Chief Justice S.H.

²⁸³ Ibid

²⁸⁴ See Naik Supra Note 282 at 215-217

²⁸⁵ The Right to Free and Compulsory Education Act, 2009. Section 12 Extent of school's responsibility for free and compulsory education.

(1) For the purposes of this Act, a school,

(c) 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 neighbourhood and provide free and compulsory elementary education till its completion:

²⁸⁶ See *Society for Un-Aided Private School of Raj vs U.O.I &Anr*, (1997) 6 SCC 241

Kapadia, Justice K.S. Radhakrishnan, and Justice Swatanter Kumar. The case challenged the constitutional validity of certain provisions of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), particularly Section 12(1)(c), which mandates that unaided private schools reserve 25% of their seats for children from economically weaker sections (EWS) and disadvantaged groups. The petitioners, representing unaided private schools, argued that this provision violated their autonomy and the fundamental right to carry on a trade or business under Article 19(1)(g) of the Constitution.

The Court, in its majority opinion delivered by Chief Justice Kapadia and Justice Swatanter Kumar, upheld the constitutionality of the RTE Act, including the 25% reservation. The judgment reasoned that the Act is a reasonable restriction on the rights of private schools in the larger public interest, as it seeks to fulfil the constitutional mandate under Article 21A, which guarantees the right to free and compulsory education for children aged 6 to 14 years. However, the Court clarified that this reservation would not apply to unaided minority institutions, as it would violate their rights under Article 30(1)²⁸⁷, which protects the autonomy of minority educational institutions. The court further opined that The Right to Education (RTE) Act is constitutionally valid and applies to government-controlled, aided (including minority-managed), and unaided, non-minority schools. This is based on Article 21A, which mandates the State to provide free and compulsory education for children aged 6 to 14, leaving the method of fulfilling this obligation to the State's discretion. The Act is focused on the child's right to education, not the type of institution, and does not violate Article 19(1)(g), as education is considered a charitable activity where reasonable restrictions can apply. The Act also emphasized a shared responsibility between the State, parents, and society, with private unaided schools contributing to the State's duty to provide education. The Court ruled that the RTE Act does not apply to unaided minority institutions, as they are protected by Article 30(1), which grants minorities the

²⁸⁷ INDIA CONST Art 30. Right of minorities to establish and administer educational institutions
(1)All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.(1A)In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.(2)The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

right to establish and manage educational institutions without restrictions, differing from those under Article 19(1)(g).²⁸⁸

In a dissenting judgment, Justice Radhakrishnan argued that while Article 21A obligates the State to provide education, this responsibility does not extend to unaided non-minority or minority institutions. Section 12(1)(c) should only apply to unaided schools voluntarily, based on autonomy and consensus, not compulsion. The duty to provide education lies with the State, not non-state actors, and parents have a moral obligation, but not a constitutional one. Citizens have the right under Article 19(1)(g) to establish and manage educational institutions, which can only be restricted by reasonable limitations in the public interest. The judgment further emphasized that unaided schools should not be forced to share seats with the State or comply with state-determined fee structures, as this would infringe on the autonomy of private institutions. Lastly, it argued that no distinction should be made between unaided minority and non-minority schools regarding state control over seat allocation.²⁸⁹

The court reiterated the importance of Article 21 A²⁹⁰ and held that since RTE Act is child centric and not institution centric, education of all children is priority irrespective of the fact that it might burden private schools. A distinction was made between private schools and private minority schools established under Article 30²⁹¹ of the Indian Constitution. The Supreme Court categorically affirmed that imposing the quota on minority private schools would amount to changing their character and thereby violate their rights. As such excluded private minority schools from the purview of section 12 of the RTE Act, 2009²⁹².

²⁸⁸ Ibid

²⁸⁹ [1992] 3 SCC

²⁹⁰ See Article 21 A Supra note 249

²⁹¹ INDIA CONST Article 30

Right of minorities to establish and administer educational institutions.- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice[(1A) In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law or the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language

²⁹² The Right to Free and Compulsory Education Act, 2009, Section 12. Extent of school's responsibility for free and compulsory education.—(1) For the purposes of this Act, a school,— (a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children

This case is highly relevant to the Right to Education (RTE) Act and the Indian education system, as it reinforced the state's responsibility to ensure inclusive education and address socio-economic inequalities. By upholding the 25% reservation, the Court strengthened efforts to integrate children from marginalized communities into mainstream education, promoting social justice and equality. The judgment remains a cornerstone for discussions on the intersection of educational rights, private autonomy, and social equity in India.

This decision is significant as it affirmed the authority and duty of the state to fulfill all the obligations to provide free and compulsory elementary education. Similarly, states can decide to delegate these obligations upon private institutions in the interest of the public.

The constitutionality of the RTE Act, 2009 was again challenged before the five judge bench of the Supreme Court in the year 2012²⁹³. It sought to challenge Article 15(5) and Article 21 A of the Indian Constitution along with the RTE Act, 2009 as violating the basic structure of the Constitution.

Pramati Educational and Cultural Trust v. Union of India is a landmark judgment by a five-judge bench of the Supreme Court of India comprising Chief Justice R.M. Lodha, Justice A.K. Patnaik, Justice Sudhansu Jyoti Mukhopadhaya, Justice Dipak Misra, and Justice F.M.I. Kalifulla. The case primarily addressed the constitutional validity of the Right of Children to Free and Compulsory Education Act, 2009 concerning minority educational institutions under Article 30(1) of the Constitution. The petitioners, including minority-run educational institutions, challenged the applicability of the RTE Act to their institutions, arguing that the Act violated their fundamental right to establish and administer educational institutions of their choice.²⁹⁴

admitted therein; (b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.; (c) 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 neighbourhood and provide free and compulsory elementary education till its completion: Provided that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

²⁹³See *Pramati Educational & Cultural Trust vs Union Of India*, AIR 2014 SUPREME COURT 2114

²⁹⁴ *Ibid*

The Court, in its judgment, held that the RTE Act cannot be made applicable to minority educational institutions, whether aided or unaided. The bench reasoned those imposing obligations under the RTE Act, such as reserving 25% of seats for economically weaker sections, infringed upon the rights of minority institutions to administer their institutions under Article 30(1). The judgment emphasized that the right to establish and manage educational institutions without undue interference is a cornerstone of minority rights in India, aimed at preserving their distinct identity and culture.²⁹⁵

The decision is significant in the context of the Indian education system and the implementation of the RTE Act. While it upheld the social justice objectives of the RTE Act for non-minority institutions, it reinforced the constitutional protection granted to minority-run institutions, creating a clear distinction in their obligations under the Act. The judgment is seen as a balancing act between the state's responsibility to provide free and compulsory education under Article 21A and the need to protect minority rights under Article 30(1). However, it has also sparked debates on the challenges of ensuring equitable education access while respecting constitutional protections for minorities. Court upheld the constitutionality of Article 15(5)²⁹⁶ and Article 21 A²⁹⁷ of the Indian Constitution and the RTE Act, 2009. With reference to section 12 (1)(c)²⁹⁸ read with section 2(n)(iv) of the RTE Act, 2009²⁹⁹, Court held that although unaided non-minority schools are required to admit in class I to the extent of at least 25% of the strength of the class, children belonging to weaker³⁰⁰ and disadvantaged groups³⁰¹ in the

²⁹⁵ AIR 2014 SUPREME COURT 2114

²⁹⁶INDIA CONST Art 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. -

[(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]

²⁹⁷ See Article 21 A Supra note 37

²⁹⁸ See section 12(1)(c) Supra note 292

²⁹⁹) The Right of Children to Free and Compulsory Education Act, 2009, Section 2(n)(iv) (iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

³⁰⁰ The Right of Children to Free and Compulsory Education Act, 2009, Section 2(e)

(e) child belonging to weaker section means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

³⁰¹ The Right of Children to Free and Compulsory Education Act, 2009, Section 2(d)

(d) child belonging to disadvantaged group means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

neighborhood and thereby provide free and compulsory education, such expenses incurred are reimbursed by the state as per section 12 (2) of the RTE Act, 2009³⁰². Accordingly, the state is actually funding the expenses of children belonging to weaker³⁰³ and disadvantaged groups in the neighborhood for their elementary education. Accordingly, the court held that Article 21 A and the RTE Act, 2009 do not violate the rights under section 19(1)(g) of the non-minority private schools.³⁰⁴

However, court specifically held that imposing the legal obligation as outlined in the section 12 (1)(c) read with section 2(n)(iv) upon minority schools, aided or unaided, shall amount to abrogation of the rights of the minorities as guaranteed under Article 30(1) of the Indian Constitution. It was held that section 12 (1)(c) shall not be applicable to the minority schools. This decision partially overruled the decision in Society for unaided private schools of Rajasthan, where it was held that all unaided minority schools shall be exempt from the purview of the RTE Act, 2009

Another petition was filed before the Supreme Court challenging the validity of section 1 (4)³⁰⁵ and 1(5) of the RTE Act, 2009 which sought to exclude Madrasas and Vedic Pathshalas from its purview. However, the Supreme court refused to entertain the plea and directed the petitioners to approach the High Court³⁰⁶.

The ratio as laid under the Society for Unaided Private Schools of Rajasthan³⁰⁷, where it was already decided that private unaided minority schools are not covered under the

³⁰² The Right of Children to Free and Compulsory Education Act, 2009, Section 12(2)
(2) The school specified in sub-clause (iv) of Clause (n) of Section 2 providing free and compulsory elementary education as specified in Clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed: Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of Clause (n) of Section 2: Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

³⁰³ See Section 2(e) Supra note 300

³⁰⁴ See Article 45 Supra Note 23

³⁰⁵The Right to Free and Compulsory Education Act, 2009, Section 1. Short title, extent and commencement.—(1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009

[(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education. ns. by Act 30 of 2012, .

3. Ins. by s. 3, *ibid.* (w.e.f. 1-8-2012)

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction.]s. 2 (w.e.f. 1-8- 2012)

³⁰⁶ See Ashwini Kumar Upadhyay V Union Of India W.P (C) 1382 Of 2021

³⁰⁷ Writ Petition (C) NO. 95 OF 2010

RTE Act, 2009, was further relied by the court and it was decided that there is no vested right in a student to seek admission in a private unaided school. It was further affirmed that it is within the discretion of private minority unaided school to decide upon the admission³⁰⁸.

Another question arose pertaining to applicability of the RTE Act, 2009 against a private unaided school. Delhi High Court opined that the RTE Act, 2009 cannot be unconditionally enforced against a private unaided school. The matter pertained to the validity of the Rules 35 (striking off the name from the Rolls) and 167 (name of the student to be struck off for non-payment of fees) of Delhi School Education Rules, 1973. High Court noted that under RTE Act, 2009, petitioner is at liberty to seek admission in government schools if unable to pay the fees or if entitled, to seek admission under EWS category to seek waiver of fees³⁰⁹.

Court observed that proviso to subsection (1) of section 12³¹⁰ applies to admission to such pre-school education to a school specified under section 2 (n)³¹¹. Accordingly, the court held that the state shall not interfere in the performance of statutory obligation of the schools under the RTE Act, 2009 and the schools are obliged to fulfill the duty as per the statutory obligation.

The ratio as laid in society for unaided schools of Rajasthan³¹² and Pramati educational case³¹³ was differently interpreted wherein the courts have also tried to differentiate between the acts or the functions which derogate the rights guaranteed under the Article 30 of the Indian Constitution and obligations which are ultra vires of Article 30 thereby affecting the minority character of the Institution.

³⁰⁸See Master Dhairya Pritesh Bansod V. The Principal, Mothers Pet Kindergarten, Nagpur & Ors (W.P. No 2118 Of 2021)

³⁰⁹See Master Divyam Bhateja Through Father Mr. Vinod Bhateja V. Bhai Parmanand Vidya Mandir & Ors. (W.P (C) 8466 / 2022

³¹⁰ See Article 30 Supra Note 291

³¹¹The Right of Children to Free and Compulsory Education Act, 2009, Section 2(n)

“School” Means Any Recognised School Imparting Elementary Education And Includes— (I) A School Established, Owned Or Controlled By The Appropriate Government Or A Local Authority; (Ii) An Aided School Receiving Aid Or Grants To Meet Whole Or Part Of Its Expenses From The Appropriate Government Or The Local Authority; (Iii) A School Belonging To Specified Category; And (Iv) An Unaided School Not Receiving Any Kind Of Aid Or Grants To Meet Its Expenses From The Appropriate Government Or The Local Authority

³¹² (1997) 6 SCC 241

³¹³ See Article 30 Supra Note 291

3.4 Role of Judiciary in India in interpreting right to education

The judiciary in India has played a pivotal role in interpreting and expanding the scope of the Right to Education, ensuring it is implemented as a fundamental right under Article 21A of the Constitution. Through landmark judgments, the courts have addressed gaps in policy, upheld the rights of marginalized groups, and emphasized the state's duty to provide free and compulsory education. The judiciary has also intervened to address issues like school infrastructure, teacher quality, and accessibility for children with disabilities, holding governments accountable for lapses. By consistently interpreting the right to education in a progressive and inclusive manner, the judiciary has been instrumental in ensuring that the RTE is not merely a statutory obligation but a meaningful reality for every child in India.

Judiciary has played a pivotal role in protecting the rights of minorities in terms of education. In *D.A.V. College v. State of Punjab*³¹⁴, the Supreme Court by upholding the right of Minority educational Institutions, held that regulating the admission and appointment procedure violated the fundamental rights by impinging upon the autonomy of such institutions. It emphasized upon the need to maintain distinctive character of minority institutions. Similar view was further held in *St Xaviers case*, wherein the issue delved upon the authority of the government in imposing regulations for appointing the teaching staff. The Supreme Court affirmed the principle that although state can impose regulations to maintain educational standards, these regulations should not interfere with the autonomy of the minority educational institutions³¹⁵. The same principle was later reiterated in *T.M.A pai Foundation case*, where although Supreme court upheld the constitutionality of Karnataka Education Act, 1983, it however categorically held that although government can impose reasonable regulations to improve the standards of education, these regulations should not interfere upon the administrative and management autonomy of the institutions³¹⁶. In this case, aided minority educational institutions were entitled to provide admission to the children

³¹⁴1971 AIR 1737

³¹⁵ *The Ahmedabad St. Xavier's College Society and Another Vs. The State Of Gujarat And Another*, 1974 AIR 1389

³¹⁶*T.M.A. Pai Foundation vs State of Karnataka*, 1994 AIR 2372

belonging to minority. Subsequently, in the year 2003, Supreme Court noted that although Article 30 is designed to provide protection to minority institutions from government regulations, yet they are not completely immune from the same. In Christian Medical College Vellore Association case, Supreme Court clarified that minority rights though safeguarded under Article 30, yet it cannot be stretched to an extent that it affects the national interest. It upheld the National Eligibility-cum-Entrance Test (NEET) for graduation and post-graduate programmes on the ground that it will provide equal opportunity to all citizens and will not violate any provision of the Constitution³¹⁷.

In one of the case, the petition was filed by the grandmother of a child by name Acquin Victor, who was denied promotion from 6th to 7th standard by Respondent school. Petitioner contended that section 16³¹⁸ of the RTE Act provided for No Detention Policy. It further contended that Respondent school failed to comply with the direction issued by the government pertaining to No Detention Policy on the ground of it being unaided recognized minority institution³¹⁹.

Respondent school contended for non-application of section 16³²⁰ of the RTE Act in the wake of judgment of the Hon'ble Supreme Court in Pramati Educational and Cultural Trust v. Union of India³²¹, as it is a minority school. Apex Court delved into various issues as to maintainability of writ petitions against private body. While relying on various precedents, Apex Court held that private body discharging a state function would be amenable to the writ petition. It made reference to Islamic Academy of Education v. State of Karnataka³²², where it was observed that imparting education is a state function. However, having regard to its financial or other constraints, it is always not in a position to fulfill its duties.

³¹⁷(2020) 8 SCC 705

³¹⁸ The Right to Free and Compulsory Education Act, 2009, Section 16. Prohibition of holding back and expulsion.—No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

³¹⁹Mrs. Sobha George Adolfus v State of Kerala 2016 (2) KLT 919

³²⁰ See section 16 Supra Note 318

³²¹(2014) 8 SCC 1

³²²Writ Petition (civil) 350 of 1993

Hon'ble Supreme Court relied on the ratio held in *Marsh v. Alabama*³²³, where it was opined that where a private corporation is privately performing a public function, it is bound by the constitutional standards applicable to state action.

In the present case³²⁴, the Supreme Court tried to differentiate between mere statutory right or fundamental right, as far as its applicability to section 16 of RTE Act, 2009. While reiterating the principle of upholding the best interest of the child as primary consideration in all actions concerning children, opined that during formative years of learning, the child conditions his learning skills without exercising any discretion. Denial of promotion before reaching the age of discretion, would negate the best interest principle of the child. While construing the objective of Article 30 (1) to protect the minority character of educational institutions, it held that promoting students does not trample or derogate the goals of Article 30 (1) of the Constitution. As such it was held that protection under Article 30(1)³²⁵ is not available to minority educational institutions to hold back any child in any class upto elementary education.

In many cases the court has taken liberal view and has accordingly upheld the paramount interest of the child to receive education as against conflicting claims. In one of the cases, the father of the minor child had made fraudulent claims in order to receive education under the RTE Act, 2009 on account of which the name of Nikhil Upadhyay was struck off from the list of beneficiaries. However, Allahabad High Court was of the opinion that Minor cannot be penalized for the faulty conduct of the parents since every child has a fundamental right to education. Minor shall continue to receive education; however, parents shall be liable to pay the fees to ensure completion of education³²⁶.

In yet another case, Rajasthan High Court examined the pertinent question pertaining to the education in mother tongue. In the present case, petitioner challenged the policy of the government to convert Hindi Medium School to English Medium School. High

³²³(3) 326 US 501 L.ed 265

³²⁴ W.P No 30712 of 2015

³²⁵INDIA CONST Art 30. Right of minorities to establish and administer educational institutions
(1)All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.(1A)In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.(2)The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

³²⁶Nikhil Upadhyay (Minor) v. state of U.P & Others 2022 LAWS(ALL)-2022-1-48.

Court was of the opinion that child's right to get education in particular language is in consonance with the fundamental right under Article 19(1)(a)³²⁷ of the Constitution and therefore every child has a right to choose the language in which he wants to learn. But the court also stressed upon the restriction attached to Article 19(1)(a) and concluded that reasonable restrictions can be imposed in the overall development of the child.

However, in the instant case, the High Court quashed the policy of the government since it cannot whittle down the fundamental right guaranteed under article 19(1)(a) of the constitution.

Supreme Court also held that the Right to receive education either in mother tongue or through a specific medium is guaranteed under Article 19(1)(a) of the Constitution³²⁸.

In another case³²⁹, priesthood was imposed on young boy as part of centuries old custom belonging to the Badaga community. It was alleged that this amounted to violation of Right to Education of the young boy as he was forced to sacrifice childhood for priesthood. Madras High Court however disposed off the PIL since there was no violation of his rights as the young boy was pursuing his education without impediments.

RTE Act, 2009 elaborates upon the duties of appropriate government, schools and parents in order to facilitate the fundamental right to education. In addition to this, it also stresses upon the need for qualified teachers for better facilitation of education especially at the elementary level. This view was equally endorsed by the Apex court wherein it highlighted upon the importance of meritorious and qualified teachers as part of Article 21 A³³⁰ of the Constitution³³¹. The Bench comprising Justices Uday Umesh Lalit and Mohan M Shantanagoudar observed that Article 21 A³³² envisages quality education being imparted to the students. In order to fulfill this objective, the state shall have power to design a cut off to select teachers who are meritorious and best of the lot.

³²⁷INDIA CONST Art 19(1)

(1) All citizens shall have the right
(a) to freedom of speech and expression;

³²⁸State of Karnataka &Anr v. Associated Management of English Medium Primary & Secondary Schools & Ors (2014) 9 SCC 485

³²⁹S. Gunaraja v. The Commissioner of Police, Greater Chennai &Anr. W.M.P.Nos.12478 & 12479 of 2018

³³⁰(2014) 8 SCC 1

³³¹Ram Sharan Maurya v. State of U.P (2020) 20 SCC 531

³³² See Article 21 A Supra Note 321

Any process which is equally applied and designed to garner best talent cannot be considered arbitrary.

The facts of the above case are³³³ Petitioners alleged fixation of cut off at 65.60 % in ATRE 20 was done post examination and hence arbitrary. However, Supreme Court dismissed the appeal filed by Uttar Pradesh Shiksha Mitra Association by observing that the National Council for Teachers Education is empowered to determine the qualification of persons being recruited as teachers in order to maintain the standard of education in schools.

Supreme Court is also considered as the custodian and protector of fundamental rights in India. Judiciary has played an important role in upholding the right to education especially that of children with special needs. Various guidelines were issued by the Supreme Court³³⁴ pertaining to the norms and standards to impart education for Children with Special Needs and for special teachers and also directed the Central Government to notify the same. This was a step forward towards the goal of Education for All together with the Inclusive Education. Until the time, central government notifies it, as a stopgap arrangement, adopted the recommendations made by the State Commissioner, NCT of Delhi which were as follows:

- a. The Supreme Court directed the pupil teacher ratio as 8:1 for children with cerebral palsy, 5: 1 for children with Intellectual disability and specific learning disabilities and 2:1 for deaf and blind.
- b. It also directed to create permanent posts commensurating the ratio for rehabilitation professionals / permanent teachers.
- c. To engage the services of special trained teachers as itinerant teachers until special teachers are appointed for general schools and special schools.
- d. To provide special compulsory training to other teachers to handle CWSN in a sensitive manner.

Similarly, PIL was filed before the Delhi High Court highlighting the pertinent issue affecting the right to education of children with disabilities. It emphasized upon the deficiency of teaching aids and non-availability of special educators in the aided and

³³³Ram Sharan Maurya v. State of U.P (2020) 20 SCC 531

³³⁴Rajneesh Kumar Pandey v. Union of India 2021 SCC Online SC 1005

unaided private schools of Delhi. By allowing the petition, the court directed all recognized aided and unaided private schools in Delhi to appoint special educators and to adapt the infrastructure so as to provide barrier free access to children with disabilities. Court emphasized upon the need for special attention towards children with disabilities as they are the most vulnerable group yet stressed upon the need to create an environment which would support independent functioning of the individual.

Delhi High Court pronounced a progressive verdict opening up new possibilities for CWSN in the field of education³³⁵. It mandated private schools to provide 3% reservation for CWSN within the 25% reservation as mandated by the RTE Act, 2009. This verdict recognized the obligation of private, aided and unaided schools, to provide inclusive education for disabled children. This judgment makes a desired shift from segregated mode of education to that of social inclusion in mainstream education.

Similarly, Uttaranchal High Court issued directions to provide access to free education for CWSN and to promote the inclusive education³³⁶. The directives included

- a. Appointment of special educators in government aided and unaided private schools in the state of Uttarakhand.
- b. Premises to be barrier free which would ensure free movement for CWSN.
- c. Setting up of training institutions in accordance with section 29 of the PWD Act, 1995.
- d. Curriculum to be based according to the needs of the child.
- e. Provision of necessary books and learning equipment.

Delhi High Court³³⁷ reiterated the mandate of RTE Act, 2009 in protecting and furthering the rights of education of children with disability, emphasized upon the statutory duty of all educational institutions, funded and recognized by the government to provide inclusive education and the required infrastructure. The concept of inclusive education requires admission of children without any discrimination by granting equal opportunities. Accordingly, the government is obligated to take the required measures to further the objective of attaining inclusive education. PIL was filed challenging the

³³⁵Pramod Arora v. Lt. Governor of Delhi, (2014) 5 HCC (Del) 215

³³⁶Kamal Gupta v. State of Uttarakhand 2018 SCC Online Utt 677

³³⁷Syed Mehedi v. Govt of NCT of Delhi & Ors 2019 SCC Online Del 9015

order of the state government which excluded the admission to pre-school classes in educational session 2020 - 2021 from the purview of RTE Act, 2009³³⁸.

Supreme Court categorically held that right to safe education is part of fundamental right and directed all the safety measures to be taken by all government and private schools which included the following³³⁹:

- a. Recognition and affiliation of an educational Institution should be dependent upon safety and security of the building and the construction as per the norms laid down by National Building Code of India.
- b. All schools shall be equipped with fire extinguishers within a period of six months.
- c. School building shall be free from inflammable and toxic materials. Wherever required, they must be stored appropriately.
- d. Inspection of the structure should be carried out by engineers periodically.
- e. Staff and officials of the schools shall be trained to use fire extinguishers.

These directions were issued on account of the unfortunate incident which happened in Lord Krishna Middle School in District Kumbakonam where 93 children were burnt alive.

Orissa High Court³⁴⁰ observed that the Right to Education includes Right to safe Education and since one of the objectives of the RTE Act, 2009 is to provide at least one school within walking distance of one km of the neighbourhood, the state government cannot take steps to abolish already existing schools on the ground of decreasing roll strength. Accordingly, it quashed a notification which called for merger and consolidation of primary schools on account of poor roll strength.

The case³⁴¹ pertained to the notification issued by the state government which did not define the annual income of the parent or guardian of the child belonging to weaker section. Similarly, the notification did not include child belonging to OBC and SBC in disadvantaged group.

³³⁸Smile for all Society v. Elementary Education Rajasthan 2021 SCC Online Raj 1592

³³⁹Avinash Mehrotra v. Union of India W.P. (c) No 483/2004

³⁴⁰Lily Samal & Ors v. State of Odisha W.P (c) No 27401 of 2020

³⁴¹Civil Writ Petition (PIL) No. 7361/2020

To this Rajasthan High Court categorically held that the state is not empowered to rewrite or rephrase the definition of section 2(d)³⁴² of the Act or section 2 (e)³⁴³ of the RTE Act. Court further observed that Child belonging to a disadvantaged group is a class separate from a child belonging to a weaker section. As such it is not necessary that a child must satisfy both the definitions in order to avail benefits under the Act.

In one case, Kerala High Court³⁴⁴ directed the government to set up government lower primary school in Elambra in Manjeri Municipality of Malappuram district by referring Right to Education for children as one of the important Human Right. In the instant case, people of Elambra area were fighting against the government for establishing lower primary school for 35 years. There was no primary school within the radius of 3kms in this area.

India had been making significant progress in the area of elementary education after the enactment of the RTE Act, 2009. However, this progress was halted by the Covid 19 pandemic. According to the Observer Research Foundation³⁴⁵, early lockdown by the government on account of covid 19 pandemic, affected around 250 million children in India due to school closures. Several children from poor families ended up dropping out of schools, some were forced to take up jobs in order to support their families who were dealing with pandemic-related deaths and income loss. However, the Indian judiciary came as a savior to the less privileged children especially when the question pertained to the education of the child.

Bombay High court's Nagpur Bench admitted a suo motu plea concerning lack of mobile internet technology in around 829 villages in Gadchiroli district of Maharashtra, thereby depriving children of education through virtual mode during covid 19 pandemic. Court also noted that no Mid-Day Meals were provided nor any allowance in lieu of Mid-Day Meal was given to children during pandemic, since Mid-Day Meal was an important aspect of RTE Act, 2009.

³⁴² (d) "child belonging to disadvantaged group" means 3 [a child with disability or] a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

³⁴³ (e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

³⁴⁴T Muhammad Faisi v. State of Kerala AIR Online 2020 Ker 439.

³⁴⁵<https://www.orfonline.org/>

In yet another case, Petition was also filed against a judgment of Delhi High Court by which High Court had directed the petitioners to provide free gadgets and internet facilities to the students belonging to economically Weaker Section (EWS) and Disadvantaged groups to facilitate the online education³⁴⁶. The Bench noted that the objective as laid under Article 21 A³⁴⁷ can be defeated, if the needs of Economically Weaker Section (EWS) and Disadvantaged Groups to receive online education is denied. It was specifically asserted by the court that pandemic has forced schools to turn into online education which has further sparked off digital divide. The students belonging to the Economically Weaker Section (EWS) and Disadvantaged groups remain at the suffering end for being unable to cope with online education or either having to drop out because of lack of facilities. The Supreme Court emphasized the importance of devising a plan at all levels of the government to provide internet facilities and accessibilities to all strata of society which would ensure that access to education is not denied to any child for want of resources.

There were also instances of judicial activism being noticed on a case-to-case basis. In a significant case, Petitioner. a minor, studied in the CBSE School and belonged to a weaker and backward section of the society. Her Father could not pay the fees on account of lockdown and accordingly she was barred from online classes. The school also withheld the documents of the petitioners³⁴⁸. The Bombay High Court ordered the School to release the document and also ordered a minimum 40 percent discount on the fees payable, considering the special circumstances. The court however asserted that the concession so granted shall not act as precedent.³⁴⁹

3.5 RTE Act and Universalization of Elementary Education

The Right to Education (RTE) Act, 2009 has been a landmark policy in India for promoting the Universalization of Elementary Education. One of its core objectives is to make education a fundamental right for all children aged 6 to 14, thereby ensuring that no child is excluded from the educational system due to economic, social, or geographical barriers. The Act mandates free and compulsory education for every child

³⁴⁶Action Committee for Unaided Recognized Private Schools v. Justice for All SLP (c) N0 4351 / 2021

³⁴⁷ (2014) 8 SCC 1

³⁴⁸Sharvari Bagde v. State of Maharashtra 2021 (4) MLJ 123.

³⁴⁹ Ibid

in this age group, making it a legal requirement for the government to provide access to schools in every locality. This universal coverage directly addresses issues of enrolment, retention, and dropout rates, especially in rural and marginalized communities, by guaranteeing that children can attend school without financial barriers. The Act's emphasis on neighbourhood schools further ensures that children do not face difficulties in accessing education due to long travel distances or lack of local facilities.

In addition to guaranteeing free education, the RTE Act focuses on the quality of education to promote effective learning outcomes for all students. The Act mandates specific norms for infrastructure, teacher qualifications, and student-teacher ratios, which are critical for creating a conducive learning environment.³⁵⁰ It also emphasizes child-centered learning, where schools are expected to focus on holistic development rather than rote learning. By improving the quality of education, the RTE Act aims to prevent early school dropouts and ensure that children complete their elementary education with the necessary skills and knowledge. The introduction of continuous and comprehensive evaluation (CCE) helps in assessing the progress of students in a more supportive and less stressful manner, further contributing to retention and a meaningful educational experience.

The RTE Act also plays a pivotal role in bridging socio-economic and regional disparities in education. By reserving 25% of seats in private schools for children from economically weaker sections, the Act creates opportunities for marginalized children to access better educational resources. This provision helps reduce the gap between public and private schooling, providing a level playing field for children from diverse socio-economic backgrounds. The Act also mandates schools to provide accommodations for children with disabilities, ensuring their inclusion in the

³⁵⁰ The Right to Free and Compulsory Education Act, 2009, Section 19. Norms and standards for school.—(1) No school shall be established, or recognised under section 18, unless it fulfils the norms and standards specified in the Schedule. (2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement. (3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof. (4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function. (5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

educational system. By addressing these inequalities and ensuring equitable access to quality education, the RTE Act works towards the goal of universalizing elementary education in India, fostering an inclusive, educated society that can contribute to the nation's development.

3.5.1 The concept of neighbourhood Schools

The concept of "neighbourhood schools" under the Right to Education (RTE) Act of 2009 emphasizes the idea that every child should have access to free and compulsory education close to their home. This provision is grounded in the belief that a school should be within a reasonable distance from a child's residence to ensure ease of access, promote regular attendance, and reduce the barriers posed by long travel distances. The Act in its best ability tries to promote the 4A's being an integral component of Universalization of Elementary Education³⁵¹. It mandates availability of school within the neighbourhood³⁵². The RTE Act purposefully does not specify the boundaries or area of a neighbourhood as a centralized standard, but it does call for the appropriate Government to make such boundaries or area known in the RTE Rules. This is due to the vastly varying physical and climatic landscapes, as well as the various developmental needs of the several States, and the deliberate choice that States would be better equipped to define the "neighbourhood" while keeping the best interests of various children in mind. The RTE Act does not limit a child's ability to choose a school for admission that may not be in the neighbourhood of their home while it guarantees every child the right to free and compulsory education in a neighbourhood school.

In the Model RTE Rules distributed to States, the Central Government has made an effort to illustrate this. These rules set distance standards of one kilometer for students in grades I through V and three kilometers for those in grades VI through VIII, with provisions for relaxation of these standards in areas with challenging terrain where there

³⁵¹ The right to education indicators are based on the 4-A framework as developed by Katarina Tomaševski, the first UN Special Rapporteur on the right to education which include First, availability which examines whether education is generally available. Second, accessibility focuses on the various obstacles in accessing education. Third, acceptability evaluates the various aspects of the content of education. Fourth, adaptability examines whether education is adapted to the needs of various categories of persons.

³⁵² The Right to free and compulsory education Act, 2009.—Section 1 [(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.]

may be a risk of landslides, floods, a lack of roads, and general danger for young children travelling from their homes to the school. The Model Rules also state that social and cultural barriers should not prevent children from attending school. Instead of being centrally imposed by law, such norms should be established while taking local circumstances and necessities into consideration.

States and UTs are required to establish a precise picture of the current state of school availability within designated boundaries or neighbourhood boundaries. State/UTs have to define neighbourhood norms while keeping in mind that all primary and upper primary schools, as well as composite schools (with primary and upper primary sections), established by the State Government and local bodies, and would be considered neighbourhood schools for the purposes of section 3(1).

The Goa Right of Children to Free and Compulsory Education Rules 2012 specifies the area /limit for the availability of the schools. For children in classes I to IV, it mandates availability of schools within a walking distance of 1 km of neighbourhood, while for classes from V to VIII, it is to be made available within a walking distance of 3 kms neighbourhood³⁵³. The area is however required to be reduced in places with difficult terrain, which would pose danger for young children³⁵⁴.

Government is required to facilitate for arrangement of free transportation and residential facilities where no schools exist within the area of neighbourhood³⁵⁵ or for the benefit of children with disability³⁵⁶. Similarly, provision is required for availability

³⁵³The Goa Right of Children to Free and Compulsory Education Rules 2012 section 3. Areas or limits for the purposes of section 6 of the Act.— (1) Where school is not established, within the area or limits of neighbourhood as stated hereunder, the same shall be established by the Government or the local authority as under:—

(a) in respect of children in classes from I to IV, a school shall be established within a walking distance of one kilometer of the neighbourhood. (b) in respect of children in classes from V to VIII, a school shall be established within a walking distance of three kilometers of the neighbourhood.

³⁵⁴The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 3 (3) In places with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the Government or the local authority shall locate the school in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1).

³⁵⁵The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 3(4) For children from small hamlets, as identified by the Government or the local authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1), the Government or the local authority shall make adequate arrangements, such as, free transportation and residential facilities for providing elementary education in a school, in relaxation of the area or limits specified in the said sub-rule (1).

³⁵⁶The Goa Right of Children to Free and Compulsory Education Rules 2012 section 3 (7) In respect of children with disability which prevent them from accessing the school, the Government or the local authority shall endeavour to make appropriate and safe transportation arrangements to enable them to attend school and complete elementary education.

of more than one neighbourhood school in high population density area³⁵⁷. In order to ensure availability of schools in the neighbourhood, the government is required to undertake school mapping which will help to identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections every year³⁵⁸. The main thrust of Goa RTE Rules, 2012 is to promote access to education irrespective of social, cultural, physical or environmental factors³⁵⁹.

Accordingly, the child is not required to apply for admission solely to the school in his or her neighbourhood. The majority of out-of-school children come from underprivileged groups, including scheduled castes, scheduled tribes, Muslim minorities, migrants, children with special needs, children from disadvantaged urban areas, children who work, children who live in challenging conditions, like those who live in difficult terrain, children from displaced families, and children who live in conflict-ridden areas, etc. These out-of-school youngsters are allowed to finish their primary education because of a clause in the RTE Act that allows them to be admitted to a class with their age group.

The RTE Act's focus on neighbourhood schools is part of its broader mandate to provide quality education to all children aged 6 to 14 years. By making education more accessible, it aims to address disparities in enrolment and reduce dropout rates, particularly among children from economically disadvantaged and marginalized communities. In cases where there are no adequate schools in the vicinity, the government is expected to take steps to build new schools or improve existing infrastructure to meet the needs of local children. This policy also helps foster a more inclusive education system, ensuring that every child, regardless of their background,

³⁵⁷The Goa Right of Children to Free and Compulsory Education Rules 2012 (5) In places with high population density, the Government or the local authority may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of six to fourteen years in such places

³⁵⁸The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 3 (2) For the purpose of determining and for establishing neighbourhood schools, the Government/local authority shall undertake school mapping, and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in section 4, every year.

³⁵⁹The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 3 (8) The Government or the local authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

can benefit from education close to home, ultimately promoting equity and social inclusion.

3.5.2 Admission to schools

The Act makes novel provisions pertaining to admission procedure to be followed in elementary schools. Admission is not dependent upon production of any document proving the age of the child. The Act mandates production of either Birth certificate or any document as may be prescribed.³⁶⁰ However, Schools are prohibited from denying admission for want of age proof.³⁶¹

Secondly the Act provides relaxation as to the time of admission to the elementary schools. Admission shall take place at the commencement of the academic year. However, no admission shall be denied if it happens at a later date and the education of the pupil shall be completed in manner prescribed by the Act.

In accordance with Section 4, children over the age of six who have not been admitted to any schools or who have been admitted but have not finished elementary school and have dropped out are entitled to admission to a school in a class that is appropriate for their age in order to complete elementary school.

Any school where a child is unable to complete his elementary education, shall have a right to seek transfer to any other school³⁶². Four different categories of schools are

³⁶⁰ The Right to Free and Compulsory Education Act, 2009, Section 15. No denial of admission. —A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed: Provided that no child shall be denied admission if such admission is sought subsequent to the extended period: Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

³⁶¹ The Right to Free and Compulsory Education Act, 2009, Section 4. Special provisions for children not admitted to, or who have not completed, elementary education.—Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age: Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed: Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

³⁶²The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 5. Right of transfer to other school.—(1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education. (2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education. (3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate: Provided that delay in producing transfer

recognized as means to impart elementary education which include schools established, owned and controlled by the government and local bodies, Aided schools receiving grants in aid from the government, schools belonging to the specified category which include Kendriya Vidyalaya and Navodaya Vidyalaya and Unaided private schools.³⁶³

3.5.3 Duties and responsibilities of stakeholders

The legislation enumerates in detail the duties and responsibilities of the Appropriate government, local authorities and Parents towards education of the child. It sets a deadline of three years to the government to make available school within the limits of neighborhood, if not so established. Appropriate government has been imposed with an obligation to provide compulsory education. The term ‘Compulsory education’ has been interpreted widely and thereby includes provision of free elementary education, ensuring and monitoring compulsory admission, attendance and completion of the elementary education, availability of the neighbourhood schools, prevention of discrimination in education against child belonging to the weaker section and disadvantaged group, provision for adequate infrastructure, teaching staff and learning equipments, timely prescription of syllabus, adequate training facilities to the teachers and fulfilling norms and standards as laid down in the schedule annexed to the Act.

The Goa RTE Rules specifically makes provision for providing entitlements to the children studying in all the category of schools in the nature of textbooks, writing materials and uniforms³⁶⁴. Similarly, necessary special learning materials are required to be provided for children with disability. Although the above duty is cast upon all the

certificate shall not be a ground for either delaying or denying admission in such other school: Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

³⁶³The Right to Free and Compulsory Education Act, 2009, Section 2 (n) “school” means any recognised school imparting elementary education and includes— (i) a school established, owned or controlled by the appropriate Government or a local authority; (ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority; (iii) a school belonging to specified category; and (iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

³⁶⁴The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 4. Duties of Government and Local Authority for the purposes of sections 8 and 9 of the Act.— (1) A child attending a school of the Government or local authority referred to in sub-clause (i) of clause (n) of section 2, of the Act a child attending a school referred to in sub-clause (ii) of clause (n) of said section 2 in pursuance of clause (b) of sub-section (1) of section 12 of the Act and a child attending a school referred to in sub-clauses (iii) and (iv) of clause (n) of said section 2 in pursuance of clause (c) of sub-section (1) of said section 12, shall be entitled to free text books, writing materials and uniforms:

Provided that a child with disabilities shall also be provided free special learning and support material.

types of schools irrespective of the nature of management, yet it categorically specifies that the responsibility to provide entitlement in specified category schools and unaided schools shall be that of the government.

Local authority is vested with the responsibility of maintenance of records of children with respect to the details of schools where child is admitted alongwith the causes of discontinuation of education, if any³⁶⁵. These records are required to be updated annually. Parents are vested with the legal and moral duty to admit or cause to be admitted their children to an elementary education in the neighborhood school.

Duties and responsibilities have been cast upon schools and teachers as well under the legislation. Schools owned and controlled by the government have an absolute duty to provide free and compulsory education to all children being admitted. Aided schools shall provide free and compulsory education to such proportion of children as its annual recurring aid. With respect to unaided schools, unique provision has been incorporated to admit in class I upto 25% of the strength of the class, children belonging to the weaker sections and disadvantaged group and thereby provide free and compulsory education. Goa RTE Rules lays down the detailed procedure for reimbursement of per child expenditure by the government to fulfil the objective of section 12 (1) (c) of the RTE Act, 2009³⁶⁶.

³⁶⁵The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 5. Maintenance of records of children by local authority for the purposes of clause (d) of section 9 of the Act.— (1) The local authority shall maintain a record of all children residing within its jurisdiction, through a household survey, from their birth till they attain to age of 14 years. (2) The record, referred to in sub-rule (1), shall be updated annually. (3) The record, referred to in sub-rule (1), shall be maintained transparently, in the public domain, and used for the purposes of clause (e) of section 9. (4) The record, referred to in sub-rule (1) shall, in respect of every child, include,—

(a) name, sex, date of birth, Birth Certificate registration number and date of registration, place of birth; (b) name, address and occupation of parent or guardian; (c) details of the pre-primary school/anganwadicentre that the child attends (upto the age of six years); (d) name and other details of the school where the child is admitted; (e) present residential address of the child;(f) class in which the child is studying (for children between the age of six to fourteen years) and if education is discontinued in the territorial jurisdiction of the local authority, the cause of such discontinuance; (g) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2; (h) whether the child belongs to a weaker section within the meaning of clause (e) of section 2; (i)details of children requiring special facilities/residential facilities on account of migration and sparse population, admission appropriate to his or her age, disability. (5) The local authority shall ensure that the names of all children enrolled in the schools within its jurisdiction are publicly displayed on the notice board of every school.

³⁶⁶The Goa Right of Children to Free and Compulsory Education Rules 2012 Section 7. Reimbursement of per child expenditure by the Government for the purposes of sub-section (1) of section 12 of the Act.— (1) The total annual recurring expenditure incurred by the Government, whether from its own funds, or funds provided by the Central Government or by any other authority, on elementary education, in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools, shall be the per child expenditure incurred by the Government.

The Act makes strict provision against charging any kind of capitation fees or subjecting the child for any screening procedure. Similarly, strict provisions have been incorporated in the event if the child is subjected to physical punishment or mental harassment.³⁶⁷

The teachers are required under section 29 of the RTE Act, 2009 to complete the educational planning in accordance with the section's guidelines.³⁶⁸

For the purpose of determining the per child expenditure, the expenditure incurred by the Government or local authority on schools referred to in sub-clause (ii) of clause (n) of section 2 and the children enrolled in such schools shall not be included.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) of section 12 shall be reimbursed expenditure incurred by it to the extent of per child expenditure stated in sub-rule (1) or the actual amount charged from the child, whichever is less, in the following manner.

(3) For claiming reimbursement of the expenditure incurred by a school, an application in Form V hereto shall be made to the Director. A Committee consisting of Secretary (Finance), Secretary.

(4) The Committee shall meet at such time and place as it thinks fit, but a period of six months shall not intervene between two meetings.

(5) The State Project Director (RTE-SSA), Goa, on the basis of the decision of the Committee, shall communicate to the Deputy Director for the reimbursement of the expenditure made by such schools.

(6) Where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment, or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(7) The reimbursement shall be made directly in the separate bank account maintained by the school, in two instalments, during the academic year. First instalment of 50% shall be reimbursed in the month of September and balance 50% shall be reimbursed in the month of January.

(8) The school referred to in sub-rule (1) shall, in the month of July, submit a list of children belonging to weaker section and disadvantaged group admitted in school and their claim for reimbursement of expenditure, in Form V hereto, to the Deputy Director. The Deputy Director shall verify or cause to be verified the enrolment of such children before making the reimbursement of the first instalment. Reimbursement of final instalment shall be done only after verification of the enrolment of children and attendance of every child to a minimum of 80% every month.

(9) Every school referred to in sub-clause (iv) of clause (n) of section 2 shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12 of the Act. (Education), Director (Education), Director (SCERT) and State Project Director (RTE-SSA) shall assess the reimbursement claims and make its recommendations.

³⁶⁷ The Right to Free and Compulsory Education Act, 2009, Section 17. Prohibition of physical punishment and mental harassment to child.—(1) No child shall be subjected to physical punishment or mental harassment. (2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

³⁶⁸ The Right to Free and Compulsory Education Act, 2009, Section 29. Curriculum and evaluation procedure.—(1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification. (2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:— (a) conformity with the values enshrined in the Constitution; (b) all round development of the child; (c) building up child's knowledge, potentiality and talent; (d) development of physical and mental abilities to the fullest extent; (e) learning through activities, discovery and exploration in a child friendly and child-centered manner; (f) medium of instructions shall, as far as practicable, be in child's mother tongue; (g) making the child free of fear, trauma and anxiety

Academic Authority is required to consider certain factors while preparing the curriculum and setting evaluation process which include

1. Adherence to the principles outlined in the constitution.
2. Holistic growth of the child,
3. developing a child's potential, knowledge, and talent.
4. the maximum possible development of one's physical and mental faculties.
5. a child-friendly and child-centered approach to learning through activities, inquiry, and exploration; as far as is practical, education should be given in the child's mother tongue;
6. comprehensive and ongoing assessment of the child's knowledge, understanding and application skills.³⁶⁹

Additionally, Section 24 of the Act, titled "Duties of Teachers," envisions the following:

- a) Maintain regular attendance and punctuality;
- b) conduct and completion of the curriculum within allotted time
- c) Assessment of child's learning ability and supplement instruction as necessary;
- d) holding regular meetings with parents and guardians and informing them about the regularity in attendance, ability to learn, and other pertinent information.

3.5.4 School Management Committee

The School Management Committee (SMC) plays a crucial role in the implementation and success of the Right to Education (RTE) Act of 2009, as it acts as a bridge between the school, parents, and the community. The RTE Act mandates the formation of an SMC in every government and aided school to ensure greater accountability, transparency, and community involvement in school management. The committee is responsible for overseeing the functioning of the school, ensuring that it adheres to the provisions of the Act, and promoting the overall well-being of the students. SMCs also have a say in decisions related to the use of school resources, the development of infrastructure, and the academic performance of students. By

and helping the child to express views freely; (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

³⁶⁹ Ibid

engaging parents, teachers, and local community members, the SMC ensures that the school is more responsive to the needs of the children it serves.³⁷⁰

One of the key responsibilities of the SMC under the RTE Act is to monitor the admission process, ensuring that children from disadvantaged and marginalized backgrounds are not excluded or discriminated against. The SMC helps to ensure that schools meet the criteria set by the RTE Act, including the infrastructure requirements, teacher qualifications, and the availability of basic facilities. The committee also plays a role in ensuring that the school follows inclusive practices, such as the enrollment of children with disabilities, and that children from all communities, regardless of their socio-economic status, receive equitable opportunities for learning. In this way, the SMC works to promote the principles of equality and social justice in the education system.³⁷¹

Additionally, the SMC has a vital role in overseeing the implementation of the school's Annual Work Plan and Budget ensuring that funds are properly allocated and used for the benefit of students. The committee holds regular meetings to review the progress of school activities, assess the quality of education, and address any concerns or issues raised by parents and teachers. Through its active involvement in decision-making processes, the SMC helps foster a sense of ownership and accountability within the school, encouraging a collaborative approach to problem-solving and improvement. The role of the SMC under the RTE Act thus ensures that schools remain community-centered and focused on providing a high-quality, inclusive education to all children.³⁷²

³⁷⁰ The Right to Free and Compulsory Education Act, 2009, Section 21. School Management Committee.—(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers: Provided that at least three-fourth of members of such Committee shall be parents or guardians: Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section: Provided also that fifty per cent. of Members of such Committee shall be women. (2) The School Management Committee shall perform the following functions, namely:— (a) monitor the working of the school; (b) prepare and recommend school development plan; (c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and (d) perform such other functions as may be prescribed:

³⁷¹ Ibid

³⁷² See Section 5 Supra Note 362

The School Management Committee must create a School Development Plan (SDP) in accordance with Section 22. The SDP is envisioned as a complete plan that focuses on every area of school, including infrastructure, teacher availability, classroom interactions and child assessments, inclusion, and the protection of children's rights.

3.5.5 Concept of Inclusive Education

The Right to Education (RTE) Act of 2009 plays a pivotal role in promoting inclusive education by ensuring that every child, irrespective of their background, has the right to access quality education. One of the key provisions of the RTE Act is that it guarantees free and compulsory education for all children aged 6 to 14, including children from marginalized, economically disadvantaged, and socially excluded groups. The Act recognizes the need for an inclusive education system that accommodates children with disabilities, special needs, and those from socially disadvantaged communities. By making education accessible to all, the RTE Act aims to break down barriers of discrimination and social exclusion, enabling children to learn in a diverse, supportive environment.

The Act mandates that private schools reserve at least 25% of their seats for children from economically weaker sections, which promotes social inclusion and helps reduce disparities in access to quality education. These provisions ensure that children from underprivileged backgrounds, who may not otherwise afford private schooling, are given the opportunity to study in a mainstream setting. The emphasis on neighborhood schools also plays a critical role in promoting inclusion by ensuring that schools are accessible to children in their local communities, reducing the challenges posed by long travel distances, especially for those with disabilities or other vulnerabilities. This proximity fosters a sense of belonging and community, crucial for inclusive education.³⁷³

Furthermore, the RTE Act promotes inclusive education by requiring that schools provide appropriate accommodations and support for children with disabilities. Schools

³⁷³ The Right to Free and Compulsory Education Act, 2009, Section 6. Duty of appropriate Government and local authority to establish school.—For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

are mandated to create an environment where students with physical, cognitive, or sensory impairments can participate fully in classroom activities.³⁷⁴ This includes providing resources like assistive technologies, adapted curricula, and trained teachers who are capable of supporting students with special needs. Additionally, the Act encourages teacher training to equip educators with the skills necessary to handle diverse classrooms effectively.³⁷⁵ These provisions not only support children with disabilities but also enhance the quality of education for all students by fostering a more inclusive and equitable learning environment.

3.5.6 Admission under section 12 (1) (c) of the RTE Act, 2009

According to the Right to Education (RTE) Act, 25% of seats in Class I are reserved for children from weaker sections and disadvantaged groups. As these children progress through the grades and new cohorts are admitted each year, schools gradually develop a diverse population across all classes. This reservation policy serves multiple purposes beyond providing access to quality education for underprivileged children. A primary aim is to foster social integration by creating a shared learning space where children from different caste, class, and gender backgrounds can study together for at least eight years. This shared experience is expected to help reduce societal disparities and build a foundation of mutual understanding and respect. Additionally, the interaction between children from economically affluent families and those from disadvantaged backgrounds enriches the classroom environment, allowing children from privileged families to benefit from the knowledge and life experiences of their peers rooted in trade, craft, farming, and other traditional skills.

³⁷⁴The Right to Free and Compulsory Education Act, 2009, Section 3 [(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:

³⁷⁵ The Right to Free and Compulsory Education Act, 2009, Section 24 Duties of teachers and redressal of grievances.—(1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:— (a) maintain regularity and punctuality in attending school; (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29; (c) complete entire curriculum within the specified time; (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required; (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and (f) perform such other duties as may be prescribed.

The 25% reservation is justified based on demographic data and socioeconomic realities. According to the 2001 Census, Scheduled Castes (SC) constitute 16.2% of the population, and Scheduled Tribes (ST) make up 8.2%, collectively representing 24.4% of the population. Furthermore, the Tendulkar Committee, established by the Planning Commission, estimated that 37.2% of the population lives below the poverty line, with economic hardship often correlating with social disadvantage.³⁷⁶ Given these factors, reserving 25% of seats for children from underprivileged backgrounds is deemed appropriate. To ensure transparency and fairness in the admission process, Section 13(1) of the RTE Act, read with Section 2(o), prohibits schools from conducting admission tests or interviews for children or their parents.³⁷⁷ Instead, the Guidelines mandate random selection from the pool of applications for the reserved 25% seats, while allowing schools to design their admission policies for the remaining 75% of students. However, these policies must adhere to principles of non-discrimination and fairness, avoiding profiling based on the educational backgrounds of the parents.

3.5.7 Safety and security of children.

Article 21A of the Indian Constitution guarantees the fundamental right to education for all children up to 14 years of age, emphasizing the need for a safe and conducive environment to support their growth and development. The Constitution further protects children's rights through Articles 39(e)³⁷⁸ and 39(f)³⁷⁹, which aim to prevent the abuse of children and ensure opportunities for their healthy growth, free from exploitation. Under the Right to Education (RTE) Act, 2009, the government is tasked with preventing discrimination against children from weaker sections and disadvantaged groups, while also providing for punitive action in cases of physical or mental harassment. Although the RTE Act does not explicitly address school safety and security, these rights are implied under Article 21A. In alignment with this, the central

³⁷⁶ <https://www.niti.gov.in/>, accessed on October 2022.

³⁷⁷ The Right to Free and Compulsory Education Act, 2009, Section 13. No capitation fee and screening procedure for admission.—(1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

³⁷⁸ INDIA CONST Article 39(e) in Constitution of India

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

³⁷⁹ INDIA CONST Article 39(f) in Constitution of India

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

government has issued guidelines to ensure the safety and security of children in schools.³⁸⁰

3.5.8 Protection of Rights of Children

Section 31 of the Right to Education Act provides an institutional framework for protecting children's rights through the National and State Commissions for the Protection of Child Rights (NCPCR/SCPCR).³⁸¹ These commissions address a wide range of issues related to children's education, including the availability of local schools, adequate infrastructure and classrooms, school hours, physical and social access, admission procedures, refusal to admit, capitation fees, screening processes, provision of entitlements, and cases of discrimination or physical and mental abuse. Additionally, the NCPCR/SCPCR is tasked with promoting the inclusion of out-of-school children into the education system, focusing on children who have never attended school, dropouts, and children of migrant families, whether seasonal or permanent, ensuring they have opportunities to access and participate in education.

3.6 The Goa, Daman & Diu School Education Act, 1984

The Goa, Daman & Diu School Education Act, 1984 was enacted to regulate and improve the quality of school education in the Union Territory of Goa, Daman, and Diu.

³⁸⁰ The Right to Free and Compulsory Education Act, 2009, Section 12. Extent of school's responsibility for free and compulsory education.—(1) For the purposes of this Act, a school,— (a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein; (b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.; (c) 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 neighbourhood and provide free and compulsory elementary education till its completion: Provided that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

³⁸¹ The Right to Free and Compulsory Education Act, 2009, Section 31. Monitoring of child's right to education.—(1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:— (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation; (b) inquire into complaints relating to child's right to free and compulsory education; and (c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act. (2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act. (3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

It aimed to provide uniformity in the administration of schools and ensure better educational facilities for students. The Act established clear guidelines for the recognition and management of schools, specifying standards for infrastructure, teacher qualifications, and student welfare.³⁸² It also sought to ensure equitable access to education across all sections of society.

The Act laid down provisions for the establishment of new schools, requiring mandatory government recognition for operations. Schools were required to meet specific criteria, such as adequate infrastructure, qualified teaching staff, and adherence to prescribed curricula. It also addressed the regulation of fees, ensuring affordability and preventing exploitation of parents and students.³⁸³

Teacher recruitment and service conditions were also a key focus of the Act. It mandated that all teaching staff meet the qualifications prescribed by the authorities.³⁸⁴ It included provisions for fair service terms, including salaries, promotions, and retirement benefits, aiming to ensure professional development and job security for educators.³⁸⁵ It also laid down procedure for disciplinary action in the event of any default on part of heads of the institution or teachers.³⁸⁶

3.7 The Goa Compulsory Elementary Education Act, 1995

The Goa Compulsory Elementary Education Act, 1995 was enacted to ensure that all school children in the state have access to free and compulsory education.³⁸⁷ This

³⁸²The Goa, Daman & Diu School Education Act, 1984, section 5- Recognition of schools.— (1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognize any school: Provided that no school shall be recognized unless — (a) it has such funds to ensure its financial stability which regulate payment of salaries and allowances and other benefits to its employees as prescribed; (b) it has a scheme of management as required by section 6;(c) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it; (d) it provides for approved courses of study and efficient instructions; (e) it has teachers with prescribed qualification; (f) it has the prescribed facilities for physical education, library service, laboratory work, workshop practice and co-curricular activities; and (g) it gives an undertaking that it will follow the provisions of this Act and the rules made thereunder.

³⁸³The Goa, Daman & Diu School Education Act, 1984 Section 19. Fees and other charges. — (1) No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

³⁸⁴The Goa, Daman & Diu School Education Act, 1984, Section 78

³⁸⁵ Ibid

³⁸⁶The Goa, Daman & Diu School Education Act, 1984, Section 93 and 94

³⁸⁷The Goa Compulsory Elementary Education Act, 1995, Section 3 Elementary education to be compulsory, --- (1) Subject to the provisions of this Act, elementary education shall be compulsory for every child of school age. (2) For giving effect to the provisions of sub-section (1), the Government shall provide such number of elementary schools in the State with trained teachers, as may be considered necessary.

legislation aligns with the constitutional mandate of providing universal elementary education as a fundamental right. It aims to eliminate barriers like poverty, lack of resources, and geographic constraints that prevent children from attending school, fostering higher literacy and equitable opportunities for all.

The Act places the responsibility of enrolling and retaining children in school on both parents and the government. Parents are mandated to ensure their children are enrolled in a recognized school.³⁸⁸ while the state is tasked with providing adequate educational infrastructure, free textbooks, and mid-day meals to incentivize attendance. The legislation also prohibits any form of discrimination in enrollment, ensuring that all children, irrespective of caste, gender, or economic background, have equal access to education.

To enforce the provisions of the Act, local authorities, such as village panchayats and municipalities, are empowered to monitor school attendance and address cases of non-compliance. Penalties are prescribed for parents or guardians who fail to comply with the Act, except in cases of valid exemptions such as illness or disability. Additionally, schools are required to maintain records of attendance and report instances of prolonged absenteeism to the designated authorities.

The Act has had a significant impact on improving primary education in Goa. It has led to higher enrollment rates, reduced dropout levels, and better awareness about the importance of education among rural and marginalized communities. By focusing on inclusivity and accessibility, the Act has strengthened the state's educational framework and contributed to Goa's impressive literacy rate and overall human development.

The Goa Compulsory Elementary Education Act, 1995 is a landmark legislation aimed at ensuring that every child of school age in the state has access to free and compulsory elementary education. It emphasizes the state's commitment to providing universal education as a fundamental right. The Act mandates that no child within this age group

³⁸⁸The Goa Compulsory Elementary Education Act, 1995, Section 4 Duty of every parent or guardian, -- It shall be the duty of every parent or guardian of a child of school age to cause a child to attend an elementary school.

should remain out of school and ensures that education is equitable and inclusive for all, regardless of social or economic background.

One of the key features of the Act is the shared responsibility it places on parents and the government. Parents are legally obligated to enroll their children in recognized schools, while the government is tasked with creating an enabling environment by providing adequate infrastructure, free textbooks, uniforms, and other educational materials.

3.8 Efforts taken by the government to promote Universalization of Education

The government of India has undertaken numerous initiatives to promote the universalization of education, ensuring that every child has access to quality learning opportunities. The enactment of the Right to Education (RTE) Act, 2009, marked a significant milestone by mandating free and compulsory education for children aged 6 to 14 years as a fundamental right. Complementing this, flagship programs such as the Sarva Shiksha Abhiyan (SSA) and its successor, Samagra Shiksha, aim to improve access, equity, and quality in school education. These initiatives focus on constructing schools in underserved areas, providing free textbooks, uniforms, and mid-day meals to reduce dropout rates, and ensuring the inclusion of marginalized groups like girls, Scheduled Castes (SC), Scheduled Tribes (ST), and children with disabilities. Special emphasis is also placed on early childhood care and education through schemes like Anganwadi services under the Integrated Child Development Services (ICDS). Additionally, digital learning initiatives like DIKSHA and PM eVIDYA aim to enhance access to education through technology. Efforts to improve teacher quality, strengthen school infrastructure, and address social and economic barriers collectively contribute to achieving the goal of universal education in India.

3.8.1. Operation Blackboard:

The scheme was launched in the year 1987 in accordance with National Policy on Education, 1986 and Programme of Action (POA) to provide basic minimum services and materials to all the primary schools. National Policy on Education 1986 emphasized upon qualitative improvement in the system of elementary education³⁸⁹. It brought about

³⁸⁹See ACHARAYA, V. R. 1990 'A study of the programme of mass orientation of school teachers and its impact' MEd dissertation CASE M S University Baroda

a child centric approach in order to improve the retention rate amongst the students. Operation Blackboard laid down two minimum criteria, one pertaining to the infrastructural requirements and second, was relating to the usage of learning aids which included a science kit, maths kit, tool kit, charts, maps and a blackboard. It stressed upon the learner-oriented learning with more emphasis upon the child³⁹⁰.

3.8.2. District Primary Education Programme (DPEP):

It is a centrally sponsored programme to develop primary education in India. The Programme endeavours to provide financial assistance to certain districts who have not achieved significant progress in the area of education. The financial assistance thus provided covers the infrastructure, textbooks, teacher's training etc. It was launched with the prime motive of promoting universalization of education. It was initially introduced in 42 districts and later in phased manner, was supposed to cover around 275 districts.

The main objective to introduce DPEP were

- a. providing access to primary education
- b. reduction of gender disparity
- c. reduction of overall dropouts
- d. and to increase achievement levels.

(Azam, Sang, 2015) conducted a study to evaluate the impact of DPEP on enrolment and completion of primary school. It was found that it had a minor positive impact on enrolment and completion of primary school. DPEP also played a crucial role in reducing gender disparity in primary enrolment and completion³⁹¹.

However, the faulty implementation of DPEP has had disruptive influence upon UEE targets. DPEP was only introduced in districts identified as Economically Backward Sections (EBS's). however, certain states who had reached near universalization of education, for instance, Kerala, was also identified for implementation of DPEP.

³⁹⁰GOVINDA, R. and VARGHESE, N. V. 1992 'Quality of primary education: an empirical study' Journal of Educational Planning and Administration vol 6 (1) pp. 17-35

³⁹¹Azam, Mehtabul & Saing, Chan Hang. (2015). Assessing the Impact of District Primary Education Program in India. SSRN Electronic Journal. 10.2139/ssrn.2690059.

DPEP was implemented only in certain districts using financial resources from the Centre while remaining districts were governed by state using state financial resources. This led to dual governance which affected proper implementation of UEE. Similarly, DPEP focussed only for lower primary schooling leaving aside upper primary stage to the state government.

3.8.3. Mid-Day Meal Scheme

Mid-Day Meal Scheme was launched in India in the year 1995 to improve nutritional status of children, promote universalization of education in India and reduce caste and gender disparities. The Scheme applies to all children from primary and upper primary section, belonging to the Government, Aided and local body schools, Education Guarantee Scheme / Alternative Innovation Education Centers. (Deka 2021) A study was conducted to assess the impact of Mid-Day meal programme on attendance of primary school children of Rani area of Kamrup district. It was found that Mid-Day Meal scheme had positive impact on the attendance and better performance than non-implementation of Mid-Day Meal scheme³⁹².

A study was conducted to ascertain the correlation between Mid-Day Meal and school attendance of girls in Allahabad. The results revealed that Mid-Day Meal did have positive impact on attendance and nutritional status of girls³⁹³.

Sahai Shekar Chandra (2014)³⁹⁴ The study tried to identify the achievements of Mid-Day Meal Scheme. It concluded that there was sharp increase in enrolment and attendance upon introduction of Mid-Day Meal scheme.

Singh Shailja and Gupta Nisha (2015)³⁹⁵ attempted to evaluate the role of Mid-Day Meal on enrolment, attendance and retention of primary school children. The findings of the

³⁹²Karabi Deka, Impact Of Mid-Day Meal (MDM) Programme On Attendance Of Primary School Children In Rani Area Of Kamrup ® District, Assam, Quest Journals Journal Of Research In Humanities And Social Science Volume 9 ~ Issue 7 (2021)Pp: 04-09 ISSN(Online):2321-9467

³⁹³Shanker, Ravi & Arora, Santosh. (2022). Impact Of Mid-Day Meal Programme on The Nutritional Status of Primary School Children. Scholarly Research Journal For Interdisciplinary Studies. 10. 10.21922/Srjis.V10i72.11612.

³⁹⁴Chandra Shekhar Sahai, Mid-Day Meal Scheme : Achievements And Challenges, International Journal Of Humanities And Social Science Invention ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714

³⁹⁵Shailja Singh1 , Nisha Gupta, Impact Of Mid Day Meal On Enrollment, Attendance And Retention Of Primary School Children, International Journal Of Science And Research (IJSR) ISSN (Online): 2319-7064

study concluded that Mid-Day Meal played a major role in increasing the enrolment, attendance and retention of primary school children.

Sofi Ahmad Manzoor (2017)³⁹⁶ The study concluded that Mid-Day meal helped in increasing attendance and reducing the dropout rates of the children in primary schools.

3.8.4. Sarva Shiksha Abhiyan (SSA)

Sarva Shiksha Abhiyan was launched by the Central Government in collaboration with the state government to promote Universalization of Elementary Education. SSA ensures Universalization of Elementary Education by providing education to all from the age group of 6 – 14 years through enrolment and retention, reducing gender and societal disparities and enhancing learning achievements³⁹⁷.

The main objectives of Sarva Shiksha Abhiyan include

- a. enrolment of all children in school
- b. increasing the retention rate in schools
- c. bridging the social and gender disparities
- d. enhancement of learning achievement³⁹⁸.

3.8.5. Rashtriya Madhyamik Shiksha Abhiyan

This scheme is a flagship scheme of Ministry of Human Resource Development, Government of India, launched in the year 2009. It aims to provide universal access to secondary level education and thereby seeks to remove gender, socio economic and disability barriers³⁹⁹.

Currently, Sarva Shiksha Abhiyan, Rashtriya Madhyamik Shiksha Abhiyan and Teacher Education are clubbed under Samagra Shiksha.

³⁹⁶Sofi Ahmad Manzoor(2017), A Study To Analyze The Mid-Day Meal Scheme And Quality Education At Primary Level. International Journal,ISSN:2455-4197, Impact Factor:RJIF 5.22, Volume 2; Issue 4; Page No. 259-260,Jammu And Kashmir.

³⁹⁷Menezes, Geeta. (2015). Sarva Shiksha Abhiyan And Educational Development. 10.13140/Rg.2.2.12646.55368.

³⁹⁸Das, Amarendra. (2007). How Far Have We Come In Sarva Siksha Abhiyan?. Economic And Political Weekly. 42. 21-23. 10.2307/4419104.

³⁹⁹Mariamamma Alex, 2dr.D.Sivakumar, Role Of Rashtriya Madhyamik Shiksha Abhiyan Scheme In Indian Secondary Education, International Journal Of Creative Research Thoughts, Ijert | Volume 9, Issue 3 March 2021 | Issn: 2320-2882

3.8.6. National Programme for Education of Girls at Elementary Level (NPEGEL)

NPEGEL programme was approved by the Central Government as part of the scheme of SSA, to make provision for education of girls at elementary level. Although a part of SSA, it was launched to formulate policies for education of underprivileged / disadvantaged girls from class I to VIII, since gender component is an integral part of UEE⁴⁰⁰.

The prime objective of the programme remains reduction of gender gap in enrolment at elementary level, significantly noticed amongst Scheduled caste and Scheduled Tribe girls, which accounts to almost 30% at primary level and 26% at upper primary stage and thereby promoting Universalization of Elementary Education⁴⁰¹.

3.8 7. Kasturba Gandhi Balika Vidyalaya (KGBV)

KGBV scheme was launched by the central government in the year 2004, to bridge the social and gender disparities at all levels of education. The scheme aims to encourage participation of girls in education within the age group of 10 – 18 years, studying in class VI to XII, belonging to Scheduled Caste, Scheduled Tribes and Minority communities. The Scheme makes provision of allotment of at least one residential school for girls from class VI – XII in every Educationally Backward Block (EBB⁴⁰²).

3.8. 8. Shiksha Karmi Project

This project was launched in order to expand the elementary education in around 2000 remote and socially backward villages of Rajasthan. It aimed at improvement in the enrolment rate of children in schools particularly of girl students, to tackle the problem pertaining to high drop out rate and teacher absenteeism and to ensure that the curriculum is more compliant in relation to the local information parameters. Shiksha Karmi was based on the novel concept which sought to replace the teachers with a local person

⁴⁰⁰Draboo, S. (2020). Achieving Quality In Education Under SDG 4 - Financial Challenges And Gaps From An Indian Perspective. The Asian Conference on Education & International Development 2020 Official Conference Proceedings (pp. 167-180). Tokyo: The International Academic Forum.

⁴⁰¹Jayaweera, S. (1987). Gender and Access to Education in Asia. *International Review of Education*, 33(4), 455-66. Retrieved from www.jstor.org/stable/3444246

⁴⁰²Suresh, Devath. (2018). Kasturba Gandhi Girijana Balika Vidhyalaya Scheme (KGGVBS)- A Case Study. *SSRN Electronic Journal*. 10.2139/ssrn.3767747.

residing in the same locality.⁴⁰³ It was based on the assumption that social change can be effectively carried out with the help of ‘change agents’ who belong to the same locality and share the same social and emotional bonding with the locals.

3.8.9. Mahila Samakhya Programme

In order to educate and empower women from rural areas, particularly those belonging to the socially backward groups, Mahila Samakhya Programme was initiated to fulfil the objectives as laid under the National Policy of Education 1986 and the Programme of Action. Initially launched as a small project in 3 states, it has now been implemented in 60 backward districts, covering around 9000 villages and 10 states⁴⁰⁴. It is an autonomous body controlled and funded by MHRD. However, the objectives are varied depending upon the need and requirement in a particular state.

3.8.10. Lok Jumbish

Lok Jumbish is a project for Education For All in Rajasthan funded by Swedish International Development Agency (SIDA), Government of India & Government of Rajasthan. It seeks to mobilize people to bring about socio economic change. It concentrates mostly upon primary education in Rajasthan as it is one of the country’s backward state. It also aims to introduce measures to improve the quality of primary education. It envisages strategies which would revitalize basic education and thereby empower people⁴⁰⁵.

3.9 Conclusion:

A detailed analysis of the Constitutional provisions along with the provisions mentioned under the RTE Act, 2009, proves the commitment of the nation to achieve the goal of Universalization of Elementary Education in India. First and foremost, the Constitutional mandate casts responsibility upon the government to provide education as a fundamental right.

⁴⁰³Kothari, Brij & Vijaya, P. & Chand, Sherry & Sharma, Rajeev & Kalro, Amar & Gupta, Parvinder. (2010). Savouring Rajasthan's Shiksha Karmi In A Remote Village: The Prospect Of Dismantling The Student-Teacher Divide. *International Journal Of Lifelong Education*. September 1. 407-417. 10.1080/026013700445530.

⁴⁰⁴Nualart, Gemma. (2012). The Mahila Samakhya Program: Empowering Education For Women's Equality In Indian Disadvantaged Communities And Rural Areas. *Communication Papers*. 1. 115. 10.33115/Udg_Bib/Cp.V1i01.22143.

⁴⁰⁵Yadappanavar, A.. (2008). Innovations In Education: Case Study Of Lok Jumbish In Rajasthan. *The Iup Journal Of Public Administration*. IV. 63-74.

The RTE Act, 2009 on the other hand lays down comprehensive provisions to achieve the 4 A's of UEE in India thereby realizing the constitutional mandate. It seeks to provide a platform to terminate existing gender, caste and religious disparities in addition to promoting inclusive education.

Similarly, judiciary has acted as a catalyst for reform by playing decisive role in safeguarding the fundamental rights through activism and interventions. Through landmark judgments judiciary has reinforced its commitment to protect right to education.

In India, legislation and judicial activism has helped in molding the law reinforcing the right to education of a child. India got independence in 1947. However, it took around more than 50 years to achieve the status of fundamental right guaranteeing education to all children from age six to fourteen years. RTE Act, 2009 details the substantive provision for Article 21 A of the Indian Constitution.

Chapter – 4

**Fundamental Right to
Education: An Empirical
Analysis**

4.1 Introduction

Goa, one of India's smallest and youngest states, gained independence from Portuguese colonial rule on December 19, 1961. Initially a Union Territory, it attained statehood on May 30, 1987. Situated along the Arabian Sea to the west and the Western Ghats to the east, Goa covers an area of 3,702 square kilometers and is administratively divided into North Goa and South Goa districts, with their headquarters in Panaji and Margao respectively. As of July 2024, the state has a population of 1.59 million.⁴⁰⁶

Goa has excelled in population management, improving living conditions, extending birth-life expectancy, and achieving high literacy rates. It boasts some of the lowest rates for infant and maternal mortality as well as net reproduction in the country. While socioeconomic development in Goa was slow prior to 1961, sectors such as education, production, transportation, communication, and other services have flourished since independence.⁴⁰⁷

North Goa District consists of six talukas: Pernem, Bicholim, Sattari, Bardez, Tiswadi, and Ponda. Similarly, South Goa District comprises six talukas: Salcete, Mormugao, Quepem, Sanguem, Canacona, and Dharbandora. Panaji, located in North Goa, serves as the state capital.

With a literacy rate of 88.7%, Goa ranks as the fifth most literate state in India and third among all states for literacy levels, second only to developed states. When Goa joined India in 1961, the national literacy rate was 31%. By the 2011 Census, Goa's literacy rate had risen significantly to 88.7%, far surpassing the national average of 73.3%. Education constitutes approximately 22% of the state's total expenditure, with Goa having 1,510 schools.⁴⁰⁸

4.2 Educational set up in Goa

To enhance the quality of education at all levels, Goa's educational system has been streamlined in line with the National Policy on Education, 1986 (amended in 1992). The state enacted the Compulsory Education Act in 1995, which has been enforced since May 9, 1996, to ensure that every child aged 6 to 14 has access to schooling.

⁴⁰⁶ Goa population 2024 - StatisticsTimes.com, last visited on July 2024

⁴⁰⁷Newman, R. S. (1984). Goa: The Transformation of an Indian Region. *Pacific Affairs*, 57(3), 429–449. <https://doi.org/10.2307/2759068>

⁴⁰⁸ Goa Population 2024, Religion, Literacy - Census 2011, last visited on July 2024

The educational structure in Goa is divided into three stages: the Primary Stage (Grades I to IV), Upper Primary (Grades V to VII), and Secondary Stage (Grades VIII to X). Post-matriculation education begins at Std. XI and Std. XII, followed by a three-year undergraduate program and a two-year postgraduate course in arts, science, and commerce colleges.⁴⁰⁹

At the time of independence, Goa had 476 elementary schools, including 176 government and 300 private schools, with Marathi as the primary medium of instruction in most private schools. There were only 95 secondary schools and one higher secondary school during Portuguese rule, enrolling 9,260 and 900 students, respectively. Additionally, institutions like Escola Normal (teacher training), Escola Medica (medical education), and Escola Farmaceutica (pharmaceutical education) were operational.⁴¹⁰ After independence, the Jha Committee recommended changes, including adopting Maharashtra's curriculum and textbooks. However, Goa developed its distinct curriculum and textbooks for primary and middle schools in 1984 and 1994, respectively.⁴¹¹

Pre-primary education for children aged 3 to 5 is overseen by the Social Welfare Department under the Integrated Child Development Scheme (ICDS). Goa has approximately 3,000 schools, including around 1,500 Anganwadis managed by the Directorate of Women and Child Development. Additionally, 50 pre-primary schools are attached to government schools, while about 1,500 are privately operated pre-primary institutions.⁴¹² School education in Goa is governed by the Goa, Daman & Diu School Education Act, 1984, and is organized into five stages: pre-primary, primary, middle, secondary, and higher secondary. The Directorate of Education, headquartered in Panaji, oversees these stages and is led by the Director of Education, supported by a team of officials.⁴¹³

For administrative purposes, Goa is divided into North Goa and South Goa districts, with three educational zones: Central Zone (Panaji), South Zone (Margao), and North

⁴⁰⁹ <https://www.goa.gov.in/department/education/>, accessed on October 2023

⁴¹⁰ Malvankar, A. Education and society in Goa under Portuguese rule. *J. Soc. Econ. Dev.* 17, 298–311 (2015). <https://doi.org/10.1007/s40847-015-0018-z>

⁴¹¹ See GOVINDA Supra Note 390

⁴¹² Anganwadis must register with edudir | Goa News - Times of India, dated May 23, 2023 accessed on 30th May 2023.

⁴¹³ <https://www.goa.gov.in/department/education/>, last visited on July 2024

Zone (Mapusa), each managed by a Deputy Director of Education. Assistant Directors and District Educational Inspectors supervise tasks like administration, monitoring, and coordination at the block level. The senior-most Assistant Directors Educational Inspectors (ADEI) acts as the drawing and disbursing officer for government primary and middle school teachers and staff.⁴¹⁴

4.3 Present Research

The present research is a socio legal study into the implementation of the Fundamental right to education in Goa with reference to the Universalization of elementary education. Goa occupies a unique place compared to its counterpart states in India in terms of area, population, standard of living, including education. The present research is focused upon the effectiveness of the education system in Goa in achieving the goal of Universalization of elementary education in the wake of the 86th Constitutional Amendment Act, 2002 and enactment of the Right to Education Act, 2009. In addition to it, the study also highlights upon the effectiveness of the Grievance Redressal Authorities in case of violation of the fundamental right to education in Goa. The present study seeks to analyze the performance of the state of Goa in the elementary educational sector in terms of availability of schools including availability of necessary infrastructure, enrolment and dropout levels in different category of schools, retention rate and the status of Inclusive education.

4.4 Research Design

The preceding chapters indicate the relevance of education and how important it is for the development of human personality. Legislation and judicial precedent have given utmost importance to the spread of elementary education in India. The present study examines the effectiveness of the legislation and its implementation in furthering the right to education as guaranteed under Article 21 A of the Indian Constitution within the state of Goa. The Researcher has employed a combination of both doctrinal and empirical methods to ascertain the objectives of the present study. In addition to it, data was collected through primary and secondary sources. International Conventions,

⁴¹⁴ Ibid

Legislations, Case Laws, newspaper articles, and research articles from the journals have been analyzed as part of a doctrinal study.

The empirical study analysis was based on data collected by the researcher through on-site visits to the schools, statistical data collected through government websites, etc. Primary data was collected from Heads of the Institution, Teachers, students and parents through structured questionnaires and interview methods. A random sampling method was utilized to select the sample size for the empirical study. The study was limited to a period of 08 years, from 2014 to 2021. The Research is conducted with a 6% random sampling from 827 government schools, 10% random sampling from 517 Government Aided schools, 15% random sampling from 138 Private (Unaided) schools and 30% random sampling from 07 Navodaya / Kendriya Vidyalaya schools in the state of Goa. Similarly, the research was conducted with a 20% random sampling from 191 Village Panchayats in the state of Goa. In addition to it, data was collected from 122 number of Heads of the Institution which formed part of empirical study. In each Institution, which was part of the empirical study, through convenience sampling method, data from ten teachers was collected through structured questionnaire. Similarly, sample size for the parents was selected through convenience Sampling adequately representing both the districts of Goa and equitably distributed in urban and rural areas. Data was collected from 150 parents of children studying at the elementary level through structure questionnaire. Data was collected through unstructured interviews from 70 children selected through convenience sampling which included 2% of Children with Special Needs studying in an inclusive environment. Separately, data was collected for 20 Children with Special Needs who were not part of inclusive education but were studying in Special Schools.

In addition to it, empirical data was collected from the government website namely [UDISE+ Dashboard \(udiseplus.gov.in\)](http://udiseplus.gov.in). The data from the website pertained to availability of schools in Goa, infrastructural compliances by the schools and enrollment and retention rate. Statistical information was also collected through RTI application from Directorate of Education, Goa, Sarva Shiksha Abhiyan / Samagra Shiksha Abhiyan Goa and Panchayats.

The researcher has also visited the schools selected through random sampling in order to ascertain and obtain information about the compliances towards the RTE Act, 2009. It is pertinent to note that special schools have been omitted from the purview of the study as one of the major focus was upon inclusive education in the mainstream schools.

The Researcher submits that the data collection on field was done by visiting the schools and meeting the Heads of the Institution, Teachers and students studying at the elementary level. The structured questionnaire was administered to the Heads of the Institution and the teachers through Google form. Teachers in each school were selected through convenient sampling as per the availability of teachers during the time of visit.

Children studying at elementary level were one of the respondents. However, Researcher found it difficult to get the required number of children for the purpose of the study on account of inability of children to comprehend the requirements of the thesis. Secondly, elementary stage covers from std 1 to VIII. Children studying in std 1 to V were found unsuitable for study for want of verifiability and reliability of the responses thus obtained. Thus, children studying from std VI to VIII were held to be part of study. However, majority of children hesitated in providing responses. Thus, minimal respondents were obtained for the present study. As such, the responses were obtained through unstructured interview method.

Data was also sought to obtain from the local authorities i.e Panchayats relating to the pendency of the cases under RTE Act, 2009. The local authorities included in this study were exclusively Panchayats. Panchayats, were selected through random sampling method. Interview method was used to gather information about role of panchayats as grievance redressal body under the RTE Act, 2009

The thrust area of the present study has been Universalization of Elementary Education which is one of the crucial parts of Fundamental Right to Education. Universalization implies Education For all. Thus, the main concern of the present study has been to identify the efforts on the part of the stakeholders to promote universalization of elementary education thereby guaranteeing Education for All. The main areas under study have been availability, accessibility of schools, level of enrollment, retention and dropout, compliance of the schools in providing infrastructural requirements in order to

promote universalization of elementary education, and the effectiveness of the grievance redressal system in protecting the rights of children.

4.5 Scope of empirical data

a. Questionnaire Method

The Researcher has analyzed the fulfilment of the objective of Article 21 A by examining the major stakeholders pertaining to education. A total of four Respondents were identified which included

- a. Respondent No 1: Heads of the Institution
- b. Respondent No 2: Teachers
- c. Respondent No 3: Parents
- d Respondent No 4: Children

4.5.1 Respondent No 1: Heads of the Institution

There are total 1510 number of schools in Goa. Goa is divided into two districts namely North Goa and South Goa. Respondents were selected based on Random Sampling Method. Two criteria's were used for selection of schools for the present study i.e one method pertained to the selection of the schools district wise i.e North Goa and South Goa and the second criteria was based on the area where the school was located i.e rural and urban area in both the districts respectively. Proportionate representation was made of schools based on management type i.e Government, Government Aided, Unaided and specified category schools as mentioned under the RTE Act, 2009.

Questionnaire administered to the Heads of Institution was used to collect information pertaining to

1. Enrolment and Dropout- the Researcher tried to ascertain the level of enrolment and dropout in each school and the factors affecting the same.
2. Inclusive Education: the second area pertained to pedagogy followed by the school in promoting inclusive education. In addition to it, the presence of infrastructural requirements to support inclusive education was also verified.

3. Infrastructural requirements: the RTE Act, 2009 mentions about infrastructural requirements to be complied by all the schools which has positive correlation to enhance enrolment and retention rate. Researcher sought to ascertain the compliance of the schools to such requirements.

4. Issues in Elementary Education System in Goa: The Researcher made an attempt to verify any issues faced in elementary education specifically in Goa and the ways to improve the same.

5. Education during Covid Pandemic: Researcher attempted to ascertain the status of education during Covid times in terms of availability of tools, enrolment and retention rate.

Table 1 Number of schools forming part of empirical study

	North Goa		South Goa	
Type of Schools	Rural	Urban	Rural	Urban
Government School	14	11	13	12
Aided School	13	12	12	13
Unaided School	5	5	5	5
Specified category	1	-	-	1

Table 1 indicates the total respondents schools selected for the purpose of the present study. The respondents were proportionately representing two districts namely North Goa and South Goa. Secondly, the respondents were also selected to proportionately represent urban area and rural area.

4.5.2 Respondent No 2 - Teachers

Respondent No 2 were the teachers of the Respondent No 1. From each school, google form was shared with around 10 teachers through convenience sampling which included subject teachers as well as sports teachers. Questionnaire for Respondent No 2 was based on following criteria:

1. Awareness about RTE Act, 2009- the Researcher attempted to ascertain the level of awareness about the RTE Act, 2009 amongst the teachers.
2. Awareness about requirements of RTE Act 2009- Data was collected to verify the level of awareness amongst the teachers pertaining to the requirements under the RTE Act, 2009, and the obligations imposed upon the teachers.
3. Implementation of the provisions of The RTE Act, 2009- The Researcher sought to gather information about the nature of implementation of the provisions of the RTE Act, 2009 in terms of Universalization of Elementary Education in Goa.
4. Role of Teachers during Covid pandemic: Information was collected to ascertain the role of teachers in providing education during covid times and various measures undertaken by them to overcome the difficulties encountered during pandemic.

Table 2 Number of Teachers forming part of the empirical study

	North Goa		South Goa	
	Rural	Urban	Rural	Urban
Type of Schools				
Government School	140	110	130	120
Aided School	130	120	120	130
Unaided School	50	50	50	50
Specified category	10	-	-	10

Table 2 presents the distribution of teachers included in this study. Using convenience sampling, questionnaires were distributed to 10 teachers associated with Respondent 1. This group comprised both subject and sports teachers, with the majority falling within the 35–45 age range.

4.5.3 Respondent No 3 - Parents

Respondent No 3 were the parents of children studying in elementary schools. Convenience sampling method was used to select the sample size of Respondent No 3. Sample size thus selected had equitable distribution according to both the criteria's i.e. district wise and area wise. Data was collected from 120 parents of children studying at the elementary level. Data obtained from Respondent No 3 related to following criteria:

1. Nature of schools from the perspective of the parents- Data was collected to ascertain the preference of parents towards a particular management type.
2. Awareness of the RTE Act, 2009. Level of awareness of the parents was ascertained pertaining to RTE Act, 2009 and its provisions.
3. Implementation of the RTE Act, 2009- parents view was obtained pertaining to implementation of the RTE Act, 2009 in terms of availability of infrastructural facilities and grievance redressal mechanism.
4. Education during Covid Pandemic. - information was obtained from the parents pertaining to the schools preparedness to tackle the difficulties faced in imparting education during covid times along with the difficulties faced by children and the parents.

Table 3 Number of Parents forming part of the empirical study

	North Goa		South Goa	
Type of Schools	Rural	Urban	Rural	Urban
Government School	16	11	11	16

Aided School	11	9	12	12
Unaided School	7	6	17	18
Specified category	1	1	1	1

Table 3 represents the sample size of Respondent No 3 selected through convenience sampling. Proportionately the sample size was distributed in terms of the districts, area including schools run by different management. It also included around 15 parents of CWSN to ascertain their views in inclusive education.

4.5.4 Respondent No 4 - Children

Respondent No 4 were the children studying at an elementary level of education. A fixed number of children could not be obtained from Respondent No 1 as some schools did not permit to interview the children and secondly on account of some children refraining from giving any information. In addition, difficulty was faced by the researcher in explaining the questions and elucidating answers from the children as some children found it difficult to comprehend. Accordingly, based on a convenience sampling method, around 40 children were interviewed from the grades VI to VIII. Children below VI grade were reluctant to participate in addition to facing the difficulty in understanding the relevance of the questions being administered. Children thus selected for the study purpose belonged to both the districts in addition to the representation from rural and urban area.

Information pertaining to the following criteria was obtained from Respondent No 4:

1. Accessibility to the schools- data was obtained upon to know how convenient the schools were accessible to children.
2. Their views on quality of education and on schools – children were questioned about their opinion about school, its facilities, teachers and the difficulties faced by them.
3. Education during Covid pandemic- opinion was taken from school children as to their view about the educational system and the difficulties faced during covid pandemic.

4. Infrastructural facilities available- information was obtained from the school children pertaining to the nature and availability of infrastructural facilities in school

Table 4 Number of children forming part of the empirical study

	North Goa		South Goa	
Type of Schools	Rural	Urban	Rural	Urban
Government School	5	7	7	7
Aided School	6	5	6	6
Unaided School	4	3	5	5
Specified category	1	1	1	1

Table 4 indicates the number of children forming part of the empirical study. They were selected through convenience sampling.

B. Interview Method

Structured interview method was used to elicit first-hand information and data from experts in the field of education and law. Accordingly, legal experts were interviewed to ascertain the position of law with respect to education in India and more specifically in Goa which included Advocates and Deputy Director of Education, Panaji Goa. Similarly, Chairperson of the Goa State Commission for Protection of Child Rights was interviewed to understand the functioning of the grievance redressal mechanism in Goa. In addition to it, Sarpanch, academicians were interviewed through unstructured interview to analyze the functioning of the educational system in Goa.

C. Observation Method:

Observation Method was used to gather on field information about the state of affairs prevalent in the schools visited as part of the field study and to corroborate the facts stated by the Heads of the Institution, Teachers, Children and the parents.

4.6 Analysis of the empirical data

The empirical data is analyzed on the parameters of Universalization of Provision, Enrolment and dropout levels in school, Infrastructural facilities in schools, and effectiveness of grievance redressal mechanism

4.7 Universalization of Provision

This factor analyzes the availability of schools to fulfil the objective of Article 21 A and RTE Act, 2009. Article 21 A mandates the state to provide free and compulsory education to all children from the age six to fourteen years. Under the RTE Act, the appropriate government and the local authority is required to establish schools as prescribed by the Rules within a period of three years from the commencement of the Act.⁴¹⁵ Under the Goa Right of Children to Free and Compulsory Education Rules, 2012, the government or the local authority are required to establish schools within walking distance of one kilometer of the neighbourhood for the children studying in class I to IV. On the other hand, for the children studying in class V to VIII, it is mandatory to establish schools within walking distance of three kilometers of the neighbourhood.⁴¹⁶

4.7.1 Availability of Schools

Table 5 Average area covered by the school

Year	Type of School	Area covered in sq. kms
2014 – 15	Primary	3.05

⁴¹⁵ The Right to Free and Compulsory Education Act, 2009, Section 6. Duty of appropriate Government and local authority to establish school.—For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

⁴¹⁶ The Goa Right of Children to Free and Compulsory Education Rules, 2012. Section 3. Areas or limits for the purposes of section 6 of the Act.— (1) Where school is not established, within the area or limits of neighbourhood as stated hereunder, the same shall be established by the Government or the local authority as under: (a) in respect of children in classes from I to IV, a school shall be established within a walking distance of one kilometer of the neighbourhood. (b) in respect of children in classes from V to VIII, a school shall be established within a walking distance of three kilometers of the neighbourhood

	Middle	8.10
2015 – 16	Primary	3.09
	Middle	8.39
2016 – 17	Primary	3.12
	Middle	7.78
2017 – 18	Primary	3.18
	Middle	7.73
2018 – 19	Primary	3.19
	Middle	7.70
2019 – 20	Primary	3.21
	Middle	7.83

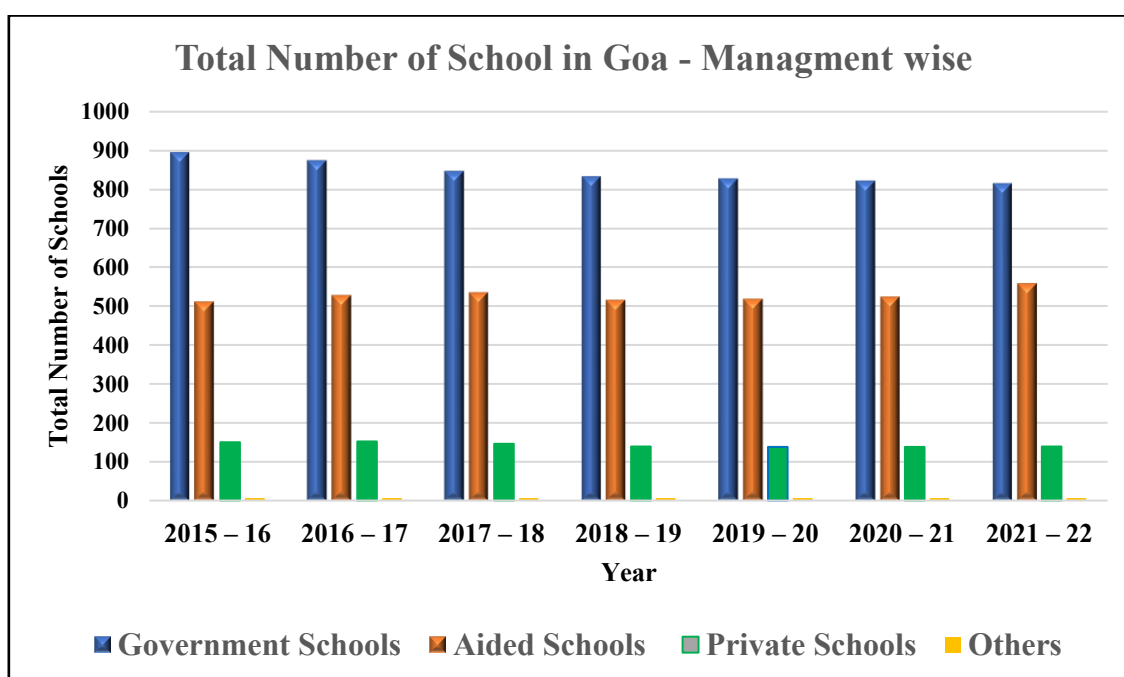
Source: UDISE⁴¹⁷

Table 5 reveals the average area covered by the school in Goa. As per the Table, primary school covers an area of around 3.21 sq.km whereas Middle School covers a larger area reaching to around 7 sq. kms. RTE Act, 2009 mandates availability of neighborhood school. The concept of neighborhood school is delineated under Goa RTE Rule, 2012 which mention establishment of school for grade I to IV within a walking distance of one km from neighborhood whereas for grade V to VIII, it shall be a walking distance of three kms for neighborhood. Approximately, the schools in Goa meet the criteria of availability of schools within the approved parameters.

⁴¹⁷ <https://udiseplus.gov.in/>

Table 6 Number of schools in Goa Management wise

Year	Government	Aided Schools	Private	Others
2015 – 16	894	510	150	7
2016 – 17	873	526	152	7
2017 – 18	846	533	146	7
2018 – 19	833	514	139	7
2019 – 20	827	517	138	7
2020 – 21	821	522	138	7
2021 – 22	814	557	139	7



Source: UDISE⁴¹⁸

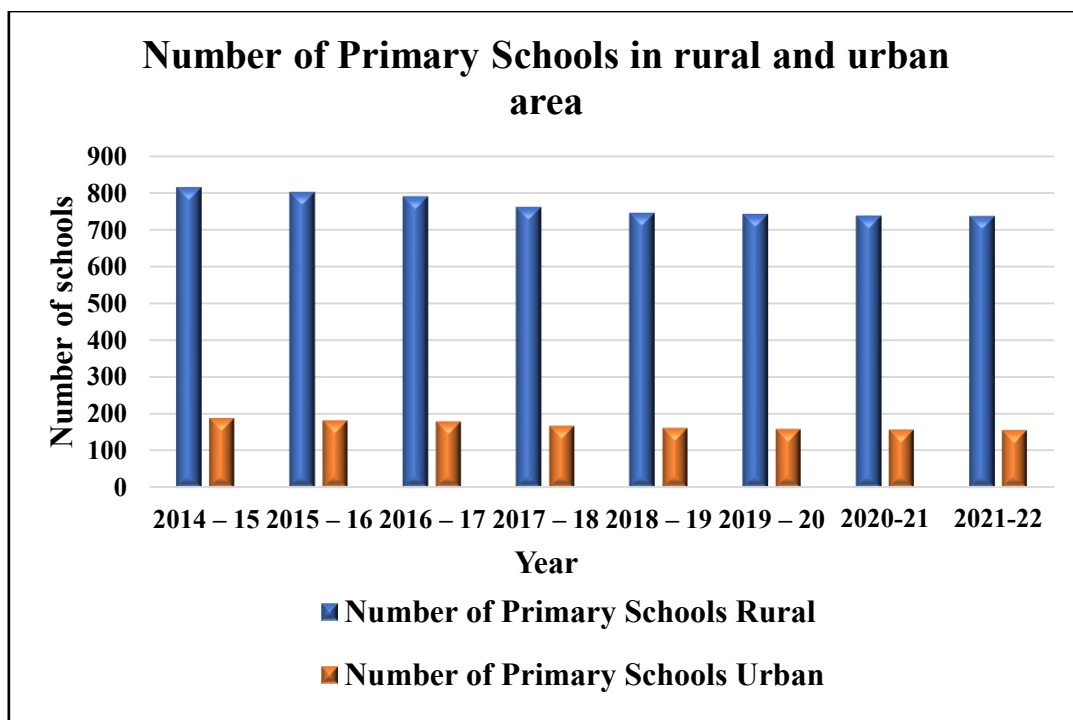
Figure 1 Total number of schools management wise in Goa

⁴¹⁸ Ibid

Table 6 and Figure 1 indicates a total number of schools management-wise from 2015-16 till 2021 - 22. The above Figure shows decline in number of government schools from total of 894 to 814 schools in 2021 - 22. There is however increase in Aided schools from 2015 - 16 till 2021 - 22. Similarly, the total number of private schools has been reduced to 139 in the year 2021 - 22 from a total of 150 in the year 2015- 16. The reason for decline in government schools has been associated with closure of schools for want of children. There has been an increase in the enrolment in aided schools thereby causing consequent increase in the number of aided schools in Goa. Private schools have been closed since some of the schools could not manage to continue on account of financial difficulties in addition to reduced number of enrolments. The Other category mentioned in the table includes schools under the specified category such as Navodaya Schools and Kendriya Vidyalayas which number is constant throughout the years.

Table 7 Number of Primary Schools in rural and urban area

Year	Number of Primary Schools	
	Rural	Urban
2014 – 15	817	186
2015 – 16	804	180
2016 – 17	792	177
2017 – 18	762	166
2018 – 19	747	160
2019 – 20	744	157
2020-21	740	155
2021-22	738	154



Source: UDISE⁴¹⁹

Figure 2 Total number of Primary schools in rural and urban area

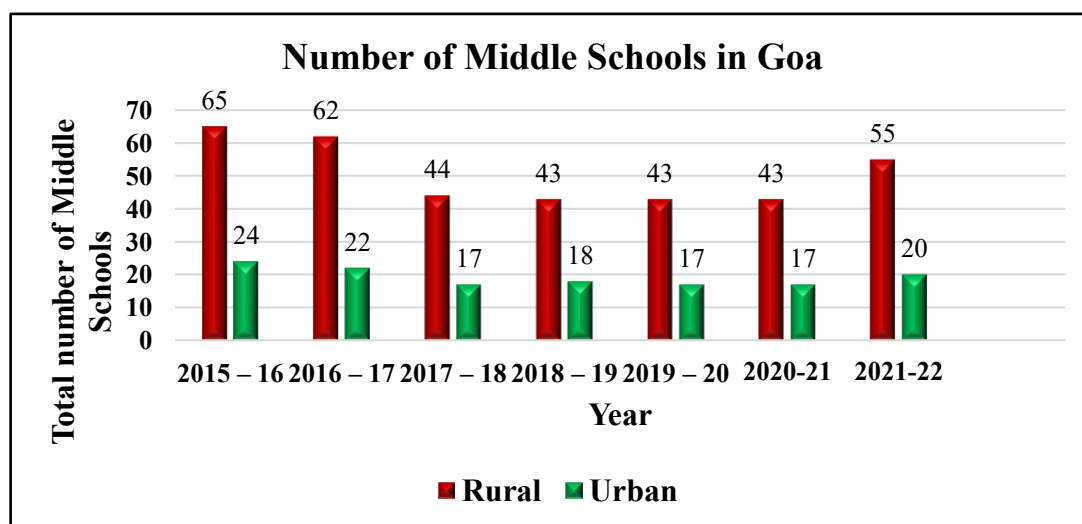
The Table 7 and Figure 2 shows the total number of primary schools in rural and urban areas in Goa from 2014-15 till 2021 -22. Primary schools are those schools which include children from Standard I till Vth and are categorized under elementary level of education. This number indicates total primary schools across different management groups. If we compare the schools in rural and urban areas from 2014 to 2021, it can be seen that there are three times more schools in rural areas as compared to urban areas. For one year, 2018 - 19, there had been a decline in the number of primary schools in rural areas. However, in the next year, it managed to increase the total to 924 schools, although it is much less compared to the year 2014 - 15. In comparison to a rural area, there have been fewer declines in a total number of schools in urban area areas; there has been less decline in the total number of schools in urban areas.

The lower number of primary schools in urban area can be attributed to the preference of the parents in urban areas to enroll their children in schools catering from standard I till standard X.

⁴¹⁹ Ibid

Table 8 Number of Middle Schools in rural and urban area

Year	Number of Middle Schools	
	Rural	Urban
2014 – 15	60	23
2015 – 16	65	24
2016 – 17	62	22
2017 – 18	44	17
2018 – 19	43	18
2019 – 20	43	17
2020-21	43	17
2021-22	55	20



Source: UDISE⁴²⁰

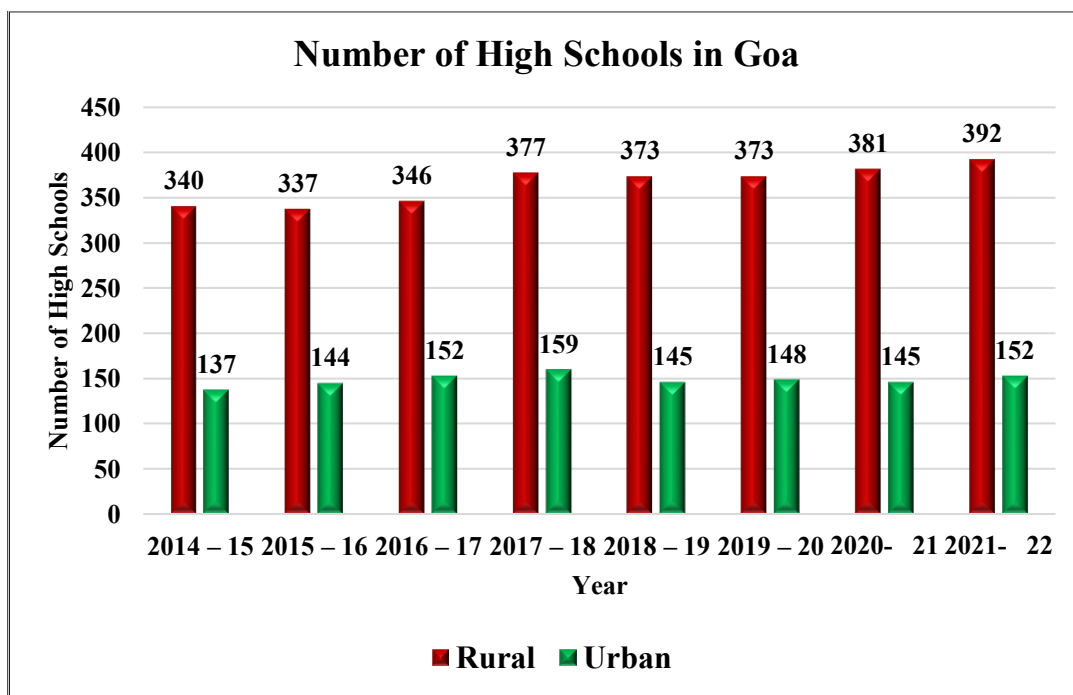
Figure 3 Number of Middle Schools in rural and urban areas

⁴²⁰ Ibid

Table 8 and Figure 3 states the total number of Middle Schools in rural and urban areas from 2014 - 15 till 2021-22. Middle Schools offer education to standard VI to VIII standard and thus qualify to be elementary schools. In 2014 - 15, 335 middle schools were present in rural areas. However, this number has drastically reduced from 2015 - 16 till 2019 - 20, resulting in a minimal number of schools accounting for less than 50. The same scenario can be witnessed for middle schools in urban areas as the number has come down to a mere 12 schools from 125 schools which existed in the year 2014 - 15. The reason for a drastic reduction in the number of schools has been attributed to the preference of parents to enroll their children either in primary or high schools instead of middle schools, which cater to only three grades from VI till VIII.

Table 9 Number of High Schools in rural and urban area

Year	Number of High Schools	
	Rural	Urban
2014 – 15	340	137
2015 – 16	337	144
2016 – 17	346	152
2017 – 18	377	159
2018 – 19	373	145
2019 – 20	373	148
2020-21	381	145
2021-22	392	152



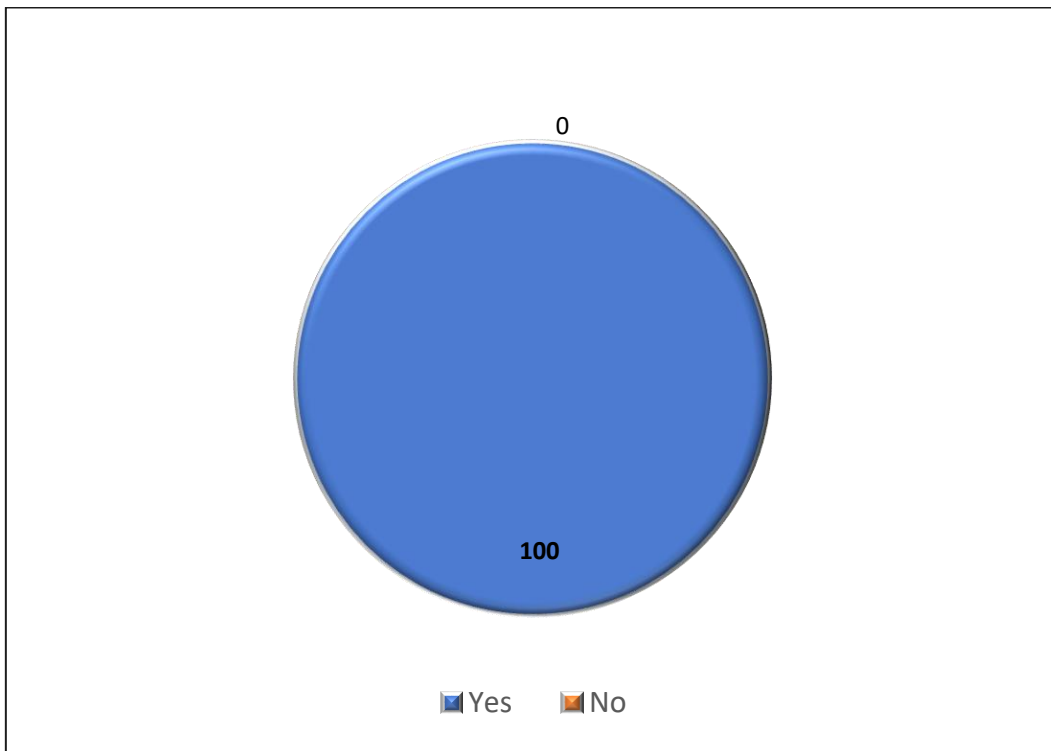
Source: UDISE⁴²¹

Figure 4 Number of High Schools in Rural and Urban area

Table 9 and Figure 4 indicates the total number of High Schools in rural and urban areas in Goa from 2014 - 15 till 2021-22. High Schools offer education to children from Grade I till completion of Xth Standard. As compared to primary and middle schools, high schools show a marginal increase in the total number of schools in both rural and high schools. Since high schools offer continuity in education in the same school, this becomes the preferred choice of the majority of parents while seeking admission to schools.

⁴²¹ Ibid

4.7.2 Empirical Analysis of the response of the parents pertaining to the availability of schools



Source: Primary

Figure 5 Response of the parents pertaining to the availability of schools in Goa

Figure 5 indicates the response of the parents regarding the availability of schools in Goa. Parents were questioned about the availability of schools near their area of residence within the permissible radius as mandated by the RTE Act, 2009. All the parents agreed to the availability of schools, within the proximity of 3 to 4 kilometers irrespective of the type of management of schools.

However, the majority of parents in urban areas preferred enrolling their children in aided or private schools over government schools, despite the proximity of government schools to their residences. This preference persisted even when aided and private schools were located much farther away. The same view persisted even amongst the parents in rural areas with the exception of those who belonged to the poor strata of society. The reasons for this inclination were as follows:

- i. *Well-established and modern infrastructure.*
- ii. *Highly qualified and experienced teaching faculty.*
- iii. *Focus on holistic development through co-curricular activities.*
- iv. *Preference for English as the medium of instruction.*

- v. *Influence of societal expectations and norms.*
- vi. *Legacy connection through parents being alumni of the school.*
- vii. *Favourable perception of private school management.*
- viii. *Distrust in the quality and outcomes of government-run schools.*
- ix. *Stereotype that government schools cater primarily to children from economically weaker sections.*
- x. *Perception that the highest quality education is available only in private or aided schools.*

4.8 Enrolment Rate of Schools in Goa

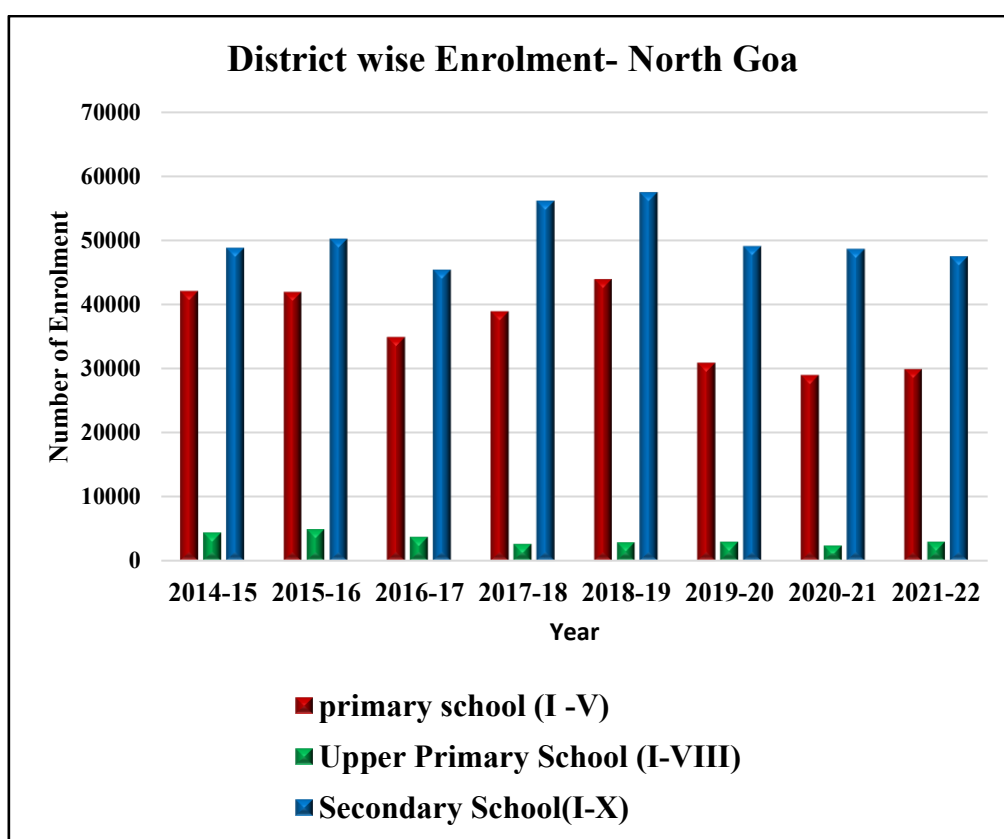
Enrolment at the primary level significantly impacts higher education by laying a strong foundation for a child's educational journey. Primary education equips students with essential literacy, numeracy, and cognitive skills, which are critical for academic success at advanced levels. Universal access to primary education promotes equity, ensuring children from diverse socio-economic and gender backgrounds can participate in learning. By fostering aspirations and motivation through exposure to various subjects and career possibilities, primary education encourages students to pursue higher studies. Moreover, high enrollment and completion rates at the primary level reduce dropout rates and improve continuity in education, enabling students to transition seamlessly to higher education.

Additionally, primary education plays a pivotal role in socio-economic development by creating a more educated and skilled society, which boosts opportunities for higher education. A strong academic and social foundation at the primary level enhances student's preparedness to meet the demands of higher education institutions.

Table 10 District wise enrolment in Goa - North Goa

Year	North Goa		
	primary school (I -V)	Upper Primary School (I-VIII)	Secondary School(I-X)
2014-15	42005	4310	48810
2015-16	41823	4826	50227

2016-17	34859	3714	45412
2017-18	38838	2637	56177
2018-19	43821	2851	57537
2019-20	30846	2895	49083
2020-21	28901	2352	48632
2021-22	29878	2963	47500



Source: UDISE⁴²²

Figure 6 District wise enrolment- North Goa

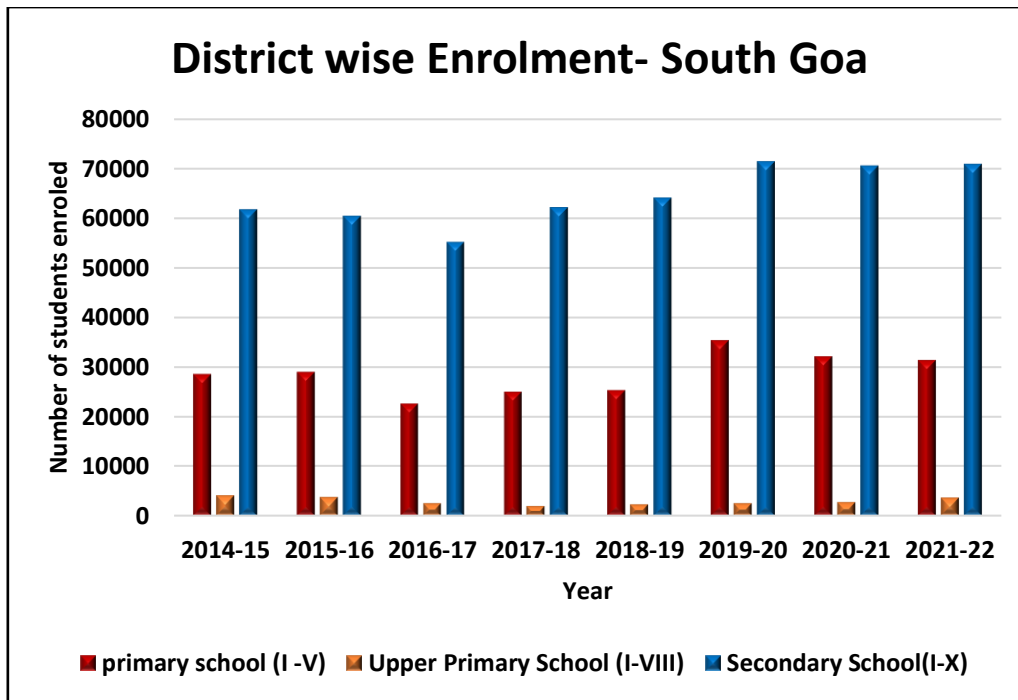
Table 10 and Figure 6 indicate the North Goa District Enrolment in elementary level of education from the year 2014-15 till 2021 – 22. The data separately shows the enrolment

⁴²² Ibid

level in Primary comprising of standard I to V only, Upper Primary from standard I to VIII and Secondary covering standard I to X. As per the above Figure, enrolment at the Primary level has reduced compared to the initial years of 2014-15. Enrolment level in upper primary level is drastically low while that of secondary level, it has maintained almost same rate over the years with the exception of higher rate witnessed in the years 2017-2018. The trend reflects the preference to secondary schools rather than primary or upper primary schools.

Table 11 District wise Enrolment – South Goa

Year	South Goa		
	primary school (I -V)	Upper Primary School (I-VIII)	Secondary School(I-X)
2014-15	28503	3902	61766
2015-16	28840	3607	60440
2016-17	22546	2450	55171
2017-18	24938	1834	62219
2018-19	25193	2204	64090
2019-20	35242	2429	71382
2020-21	32017	2660	70539
2021-22	31218	3485	70860



Source: UDISE⁴²³

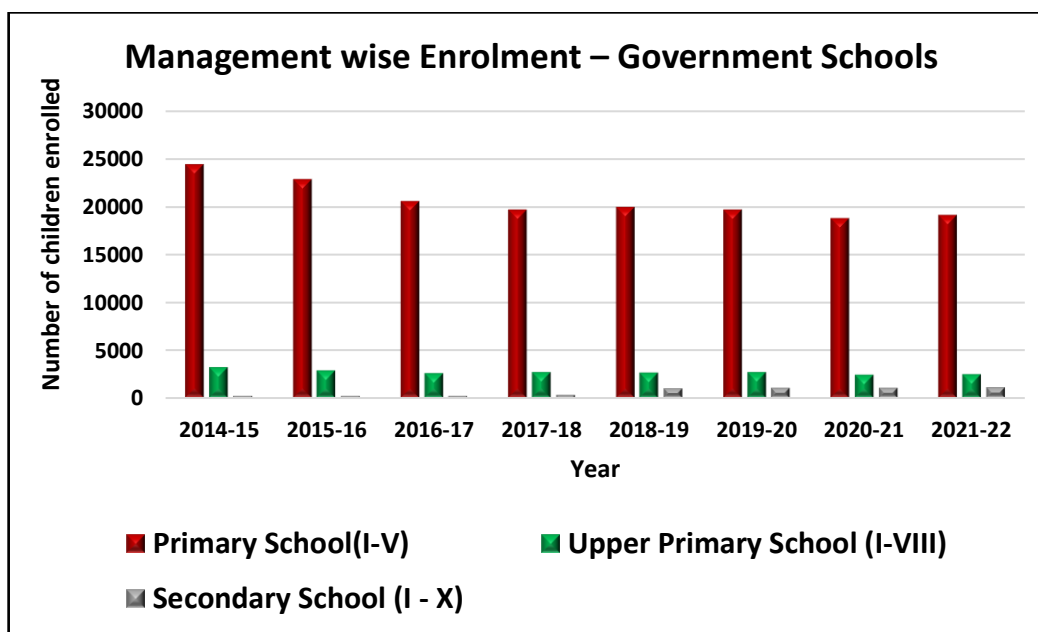
Figure 7 District wise enrolment – South Goa

Table 11 and Figure 7 indicates the level of enrolment in primary school (std I -V), Upper Primary Schools (Std I -VIII) and Secondary Schools (std I – X). The data period ranges from 2014-15 till 2021-22. The data clearly indicates that the enrolment level in Upper Primary School has remained almost static over the years with slightly lesser enrolment rate in the year 2017-18. Later the enrollment rate has risen however it has remained constant to around 3000. Enrolment level in Primary school shows decline in the year 2016-17 and 2017-18. However, it rose to a higher level in the year 2019-20. Post covid, the trend is downward. However, if compared to the year 2014-15, there has been increase in the enrolment rate. Among all three levels, the highest enrolment rate is of secondary school indication the preference of the majority of the parents to enroll their children. There has been steady increase in the enrolment level over the years under Secondary school.

⁴²³ Ibid

Table 12 Management wise Enrolment – Government Schools

Year	primary school (I - V)	Upper Primary School (I-VIII)	Secondary School(I-X)
2014-15	24411	3183	231
2015-16	22871	2858	228
2016-17	20577	2542	202
2017-18	19708	2668	300
2018-19	19997	2588	990
2019-20	19709	2666	1051
2020-21	18827	2394	1065
2021-22	19127	2441	1099



Source: UDISE⁴²⁴

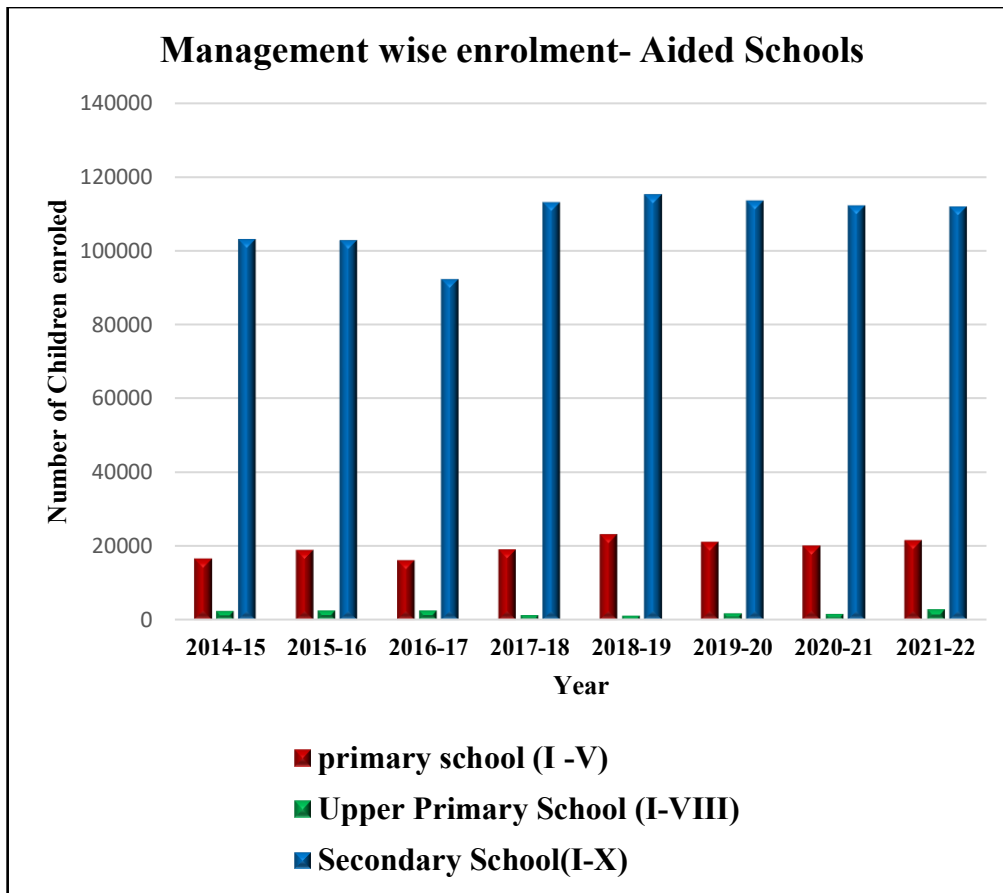
Figure 8 Management wise enrolment- Government Schools

⁴²⁴ Ibid

Table 12 and Figure 8 illustrate the enrolment levels of children in government schools, encompassing primary, upper primary, and secondary schools, for the period from 2014-15 to 2021-22. It can be seen highest number of enrolments in government schools happens in primary level and the least enrolment takes place secondary level. Government primary school caters only up to 4th standard, thereafter students either discontinue or join some other schools.

Table 13 Management wise enrolment - Aided Schools

Year	Management wise enrolment (Aided Schools)		
	primary school (I -V)	Upper Primary School (I-VIII)	Secondary School(I-X)
2014-15	16434	2211	103218
2015-16	18644	2301	102846
2016-17	15899	2365	92313
2017-18	18788	1189	113124
2018-19	22854	1074	115288
2019-20	20777	1576	113548
2020-21	19851	1436	112264
2021-22	21265	2639	112022



Source: UDISE⁴²⁵

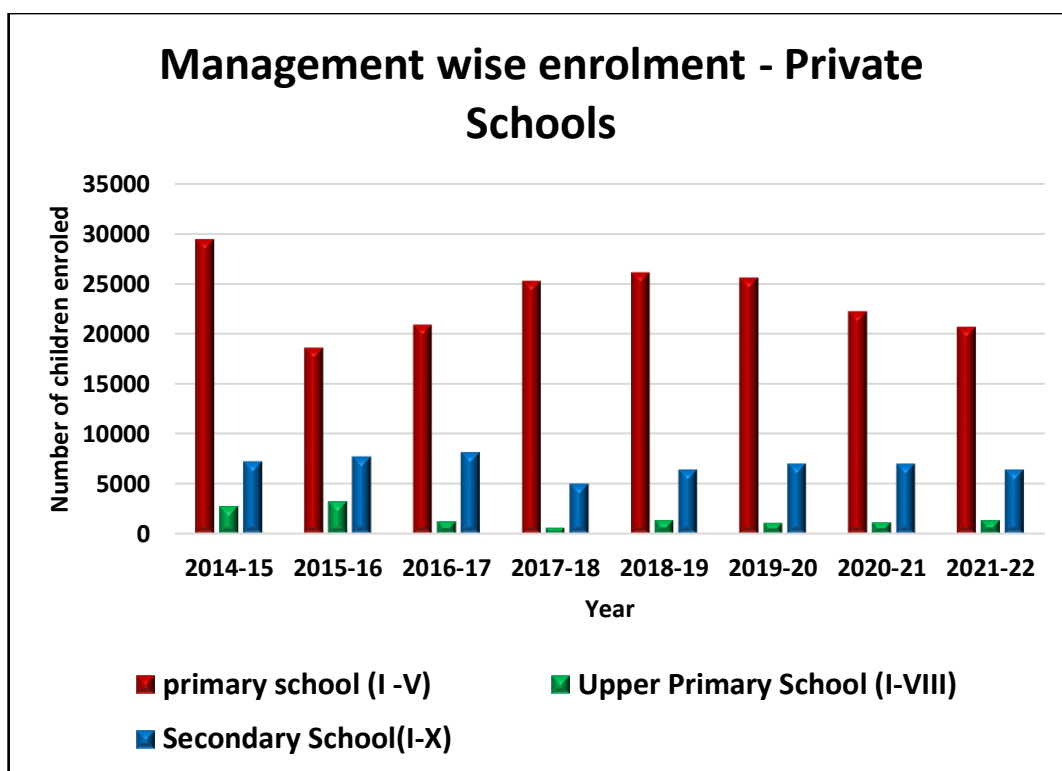
Figure 9 Management wise enrolment- Aided Schools

Table 13 and Figure 9 illustrate the enrolment levels of children in aided schools, encompassing primary, upper primary, and secondary schools, for the period from 2014-15 to 2021-22. The data reveals consistently low enrolment levels in upper primary schools throughout these years. In contrast, secondary schools show a significantly high enrolment level, which has steadily increased since 2017-18. While enrolment in primary schools has also risen over the years, the growth is notably less pronounced compared to the sharp increase observed in secondary school enrolment.

⁴²⁵ Ibid

Table 14 Management wise enrolment - Private Schools (Unaided Schools)

Year	Management wise enrolment (Private Schools)		
	primary school (I -V)	Upper Primary School (I-VIII)	Secondary School(I-X)
2014-15	29461	2754	7127
2015-16	18644	3220	7593
2016-17	20929	1257	8068
2017-18	25280	614	4972
2018-19	26163	1393	6339
2019-20	25602	1082	6917
2020-21	22240	1182	6907
2021-22	20704	1368	6338



Source: UDISE⁴²⁶

Figure 10 Management wise enrolment – Private (Unaided Schools)

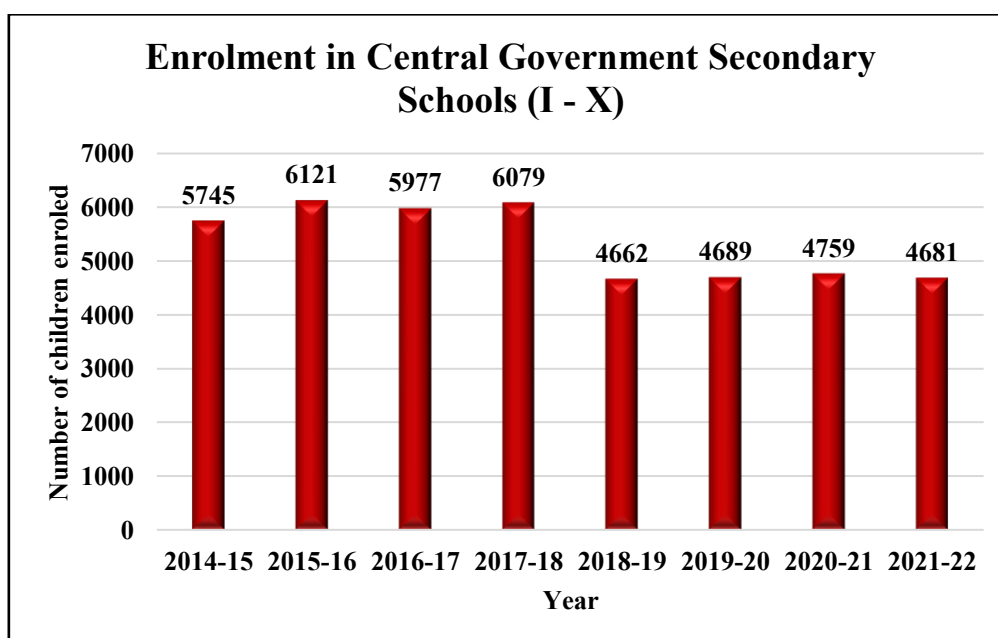
Table 14 and Figure 10 indicate the enrolment levels of children in unaided schools, covering primary, upper primary, and secondary schools from 2014-15 to 2021-22. The data shows that enrolment levels are highest in primary schools compared to the minimal enrolment observed in upper primary and secondary schools. Additionally, a declining trend in enrolment rates is evident across all three categories of schools over the years.

Table 15 Management wise enrolment - Central government Schools

Year	Management wise enrolment (Central Government Schools)
	Secondary School(I-X)
2014-15	5745
2015-16	6121

⁴²⁶ Ibid

2016-17	5977
2017-18	6079
2018-19	4662
2019-20	4689
2020-21	4759
2021-22	4681



Source: UDISE⁴²⁷

Figure 11 Management wise enrolment – Central Government Schools

Table 15 and Figure 11 indicate the enrolment level in Central government secondary schools. These central government schools are Navodaya and Kendriya Vidyalaya. There are no separate primary schools or upper primary central government schools in Goa. As such the data is limited to secondary schools. Since 2018 there has been decline in enrolment level in the schools.

⁴²⁷ Ibid

The above enrolment levels across different management groups indicate the preference of schools of majority of parents. It can be observed that majority of the parents prefer aided secondary schools to enroll their children as against government, unaided and central government schools. Similarly, highest enrolment can be noticed across all categories in aided schools.

The researcher sought to investigate the reasons behind the lower enrolment rates in government schools. The majority of headmasters from these schools expressed that parents often prefer aided and private schools due to the negative stigma associated with government institutions. Additional factors contributing to low enrolment rates include inadequate infrastructure and insufficient promotion of the facilities available in government schools.

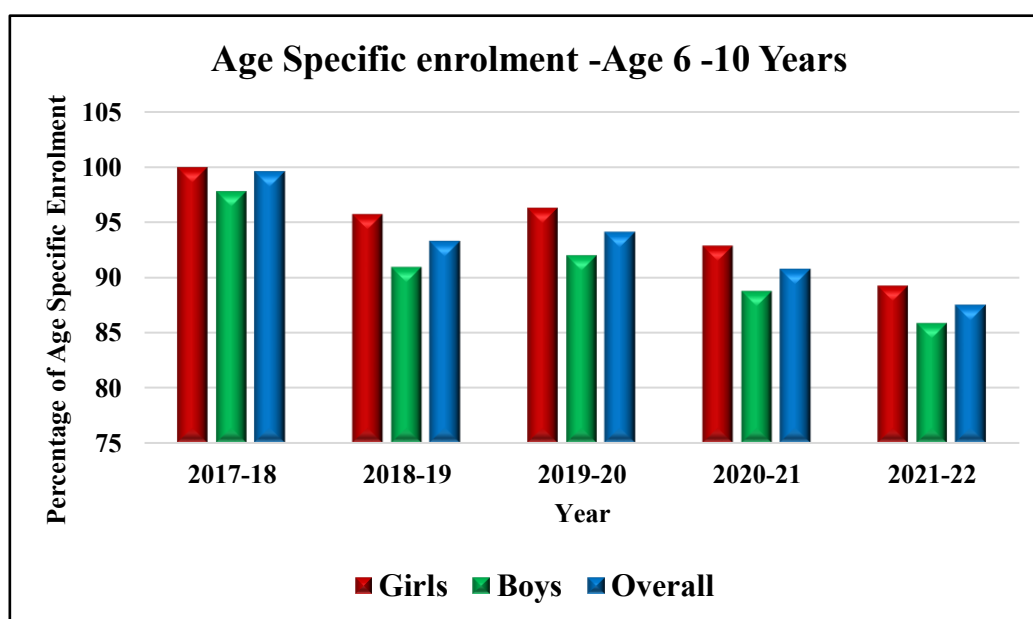
Parents echoed similar reasons for choosing aided and private schools over government schools. However, private schools showed lower enrolment compared to aided schools, primarily due to the exorbitant fees, which many parents found unaffordable. Another factor deterring parents from opting for private schools was their limited scope, as most private schools only offered education up to the primary level. This lack of continuity posed a challenge, prompting parents to prefer enrolling their children in aided secondary schools for a smoother educational progression.

4.8.1 Age Specific Enrolment

A key factor influencing educational opportunities is the age-specific enrolment ratio. This metric measures the enrolment rates of individuals across various age groups, offering valuable insights into disparities and challenges experienced by different demographic segments. The age-specific enrolment ratio (ASER) is a statistical measure that reflects the percentage of individuals within a specific age group who are enrolled in educational institutions. By analyzing enrolment rates across various age brackets, ASER offers critical insights into the inclusiveness and effectiveness of educational initiatives. This metric helps evaluate how well educational systems address the needs of different age groups and work toward bridging educational disparities.

Table 16 Age Specific Enrolment – Age 6 – 10 years

	Age 6-10 years		
Year	Girls	Boys	Overall
2017-18	100	97.83	99.49
2018-19	95.73	90.97	93.22
2019-20	96.32	92.02	94.06
2020-21	92.88	88.79	90.73
2021-22	89.26	85.87	87.47



Source: UDISE⁴²⁸

Figure 12 Age Specific Enrolment – Age 6 – 10 Years

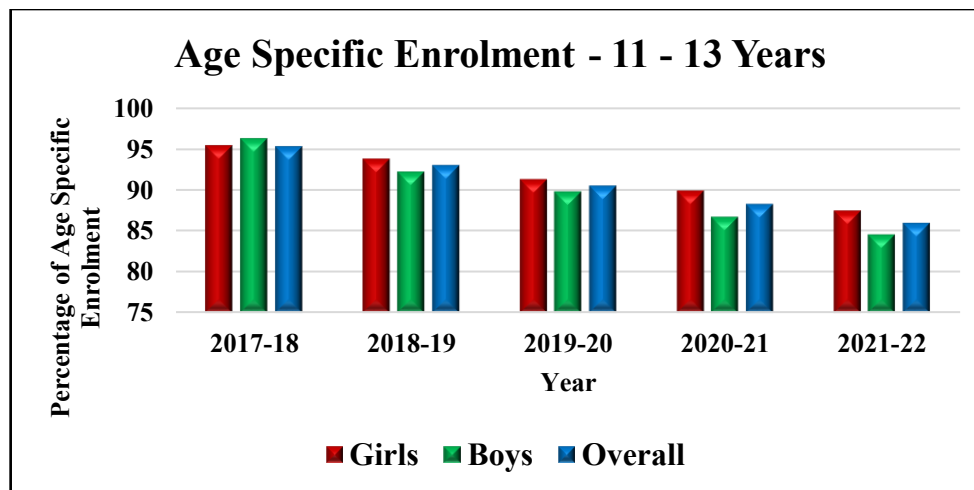
Table 16 and Figure 12 indicates the age specific enrolment in the age bracket of 6 – 10 years. The table indicates the ASER for girls around 95 and above with in the year 2017 it being 100 as against the boys which is 92 and below. This reflects almost universal

⁴²⁸ Ibid

enrolment within this age group for girls as against the boys, with girls showing slightly higher enrolment rates. However overall ASER in this age group is above 90 with the exception in 2021, which indicates almost universal enrolment.

Table 17 Age Specific enrolment – Age 11 – 13 years

Age 11-13year			
Year	Girls	Boys	Overall
2017-18	95.36	96.26	95.23
2018-19	93.7	92.22	92.92
2019-20	91.25	89.77	90.48
2020-21	89.83	86.75	88.21
2021-22	87.44	84.56	85.93



Source: UDISE⁴²⁹

Figure 13 Age Specific enrolment – Age 11 – 13 years

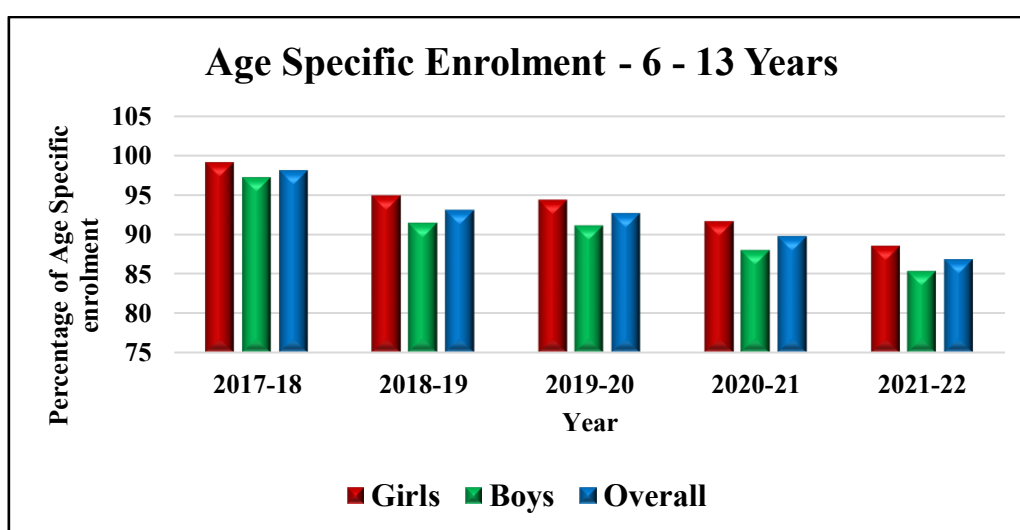
Table 17 and Figure 13 indicates the age specific enrolment in the age bracket of 11 – 13 years. From 2017 till 2019, the ASER in this group is 90 and above which indicate

⁴²⁹ Ibid

near universal enrolment. However, after 2019 there has been decline in the ASER in this age group. This has been primarily on account of covid pandemic.

Table 18 Age Specific Enrolment –Age 6 – 13 Years

	Age 6 - 13 year		
Year	Girls	Boys	Overall
2017-18	99.1	97.23	98.12
2018-19	94.94	91.45	93.11
2019-20	94.37	91.16	92.68
2020-21	91.7	88.01	89.76
2021-22	88.56	85.36	86.88



Source: UDISE⁴³⁰

Figure 14 Age Specific Enrolment – Age 6 – 13 Years

Table 18 and Figure 14 indicate the age specific enrolment in the age bracket of 6 – 13 years. From 2017-18 till 2019-20, it shows above 90% which is near universal

⁴³⁰ <https://udisplus.gov.in/>

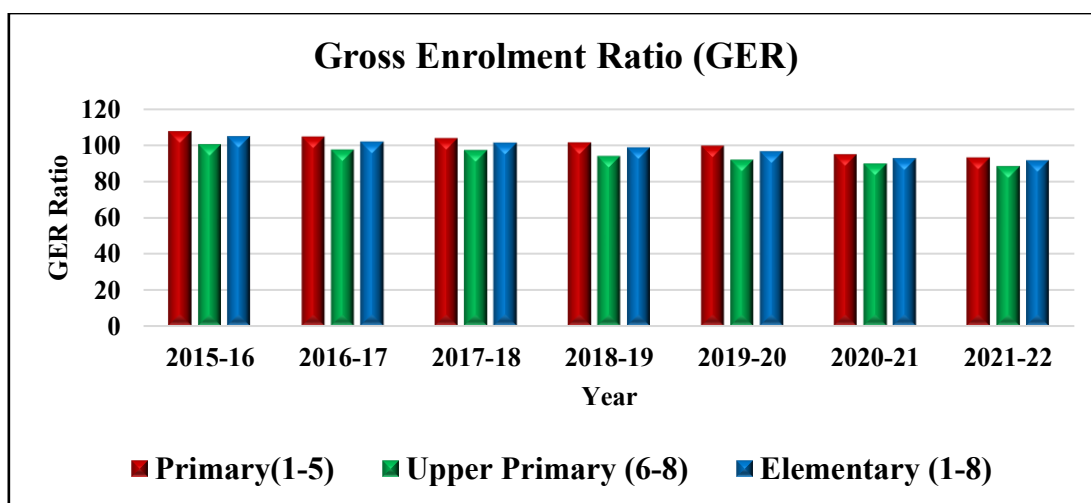
enrolment. However, this too shows a downward trend in ASER following covid pandemic.

4.8.2 Gross Enrolment Ratio (GER)

The Gross Enrolment Ratio (GER) represents the total number of students enrolled at a specific stage of school education, regardless of their age, as a percentage of the population within the official age group corresponding to that stage. It serves as an indicator of overall participation levels in each stage of school education during a given academic year.

Table 19 Gross Enrolment Ratio

Year	Primary(1-5)	Upper Primary (6-8)	Elementary (1-8)
2015-16	107.19	100.34	104.55
2016-17	104.18	97.32	101.54
2017-18	103.23	97.17	100.9
2018-19	100.94	93.84	98.21
2019-20	99.18	91.83	96.36
2020-21	94.3	89.6	92.49
2021-22	92.81	88.38	91.1



Source: UDISE⁴³¹

Figure 15 Gross Enrolment Ratio

Table 19 and Figure 15 indicates the Gross Enrolment ratio of Goa In primary, Upper Primary and Elementary level from 2015-16 till 2021-22. In Goa the Average GER for Primary Schools is 100, for Upper Primary is 94 and for elementary is 97 from 2015 till 2021-22.

4.8.3 Net Enrolment Ratio (NER)

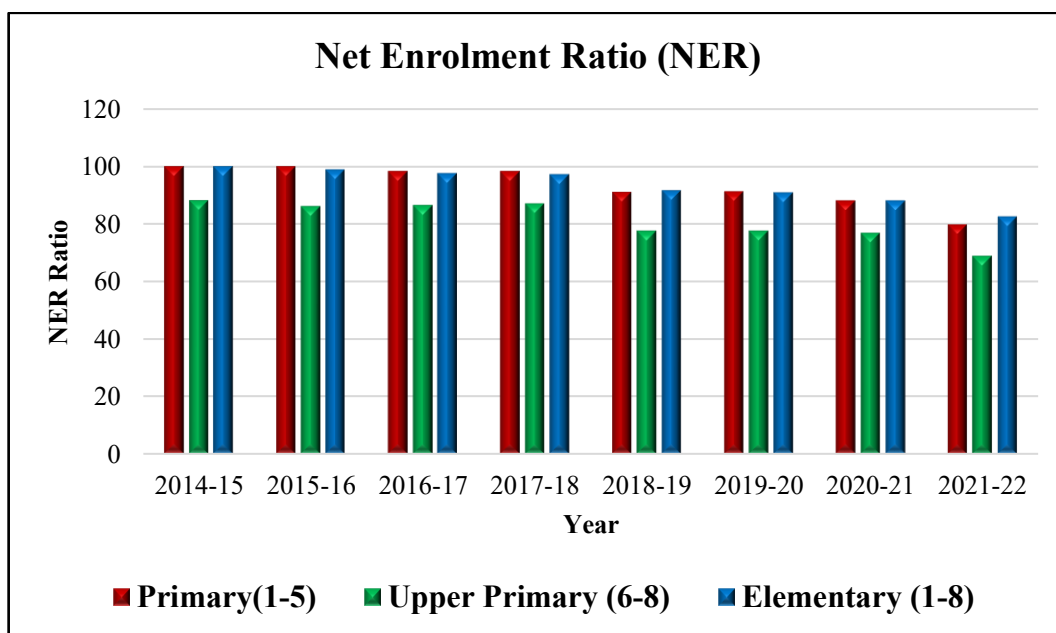
The Net Enrolment Ratio (NER) refers to the proportion of students enrolled at a specific stage of school education who belong to the corresponding official age group, expressed as a percentage of the total population within that age group during a given school year.

Table 20 Net Enrolment Ratio

Year	Primary(1-5)	Upper Primary (6-8)	Elementary (1-8)
2014-15	100	88.17	100
2015-16	99.97	86.16	98.86
2016-17	98.24	86.59	97.51
2017-18	98.19	87.18	97.13

⁴³¹ Ibid

2018-19	90.95	77.63	91.54
2019-20	91.23	77.59	90.79
2020-21	88.12	76.97	87.99
2021-22	79.68	68.98	82.41



Source: UDISE⁴³²

Figure 16 Net Enrolment Ratio

Table 20 and Figure 16 indicates the Net Enrolment ratio of Goa in primary, Upper Primary and Elementary level from 2015-16 till 2021-22. In Goa the Average NER for Primary Schools is 93%, for Upper Primary is 81% and for elementary is 93 from 2014 till 2021-22.

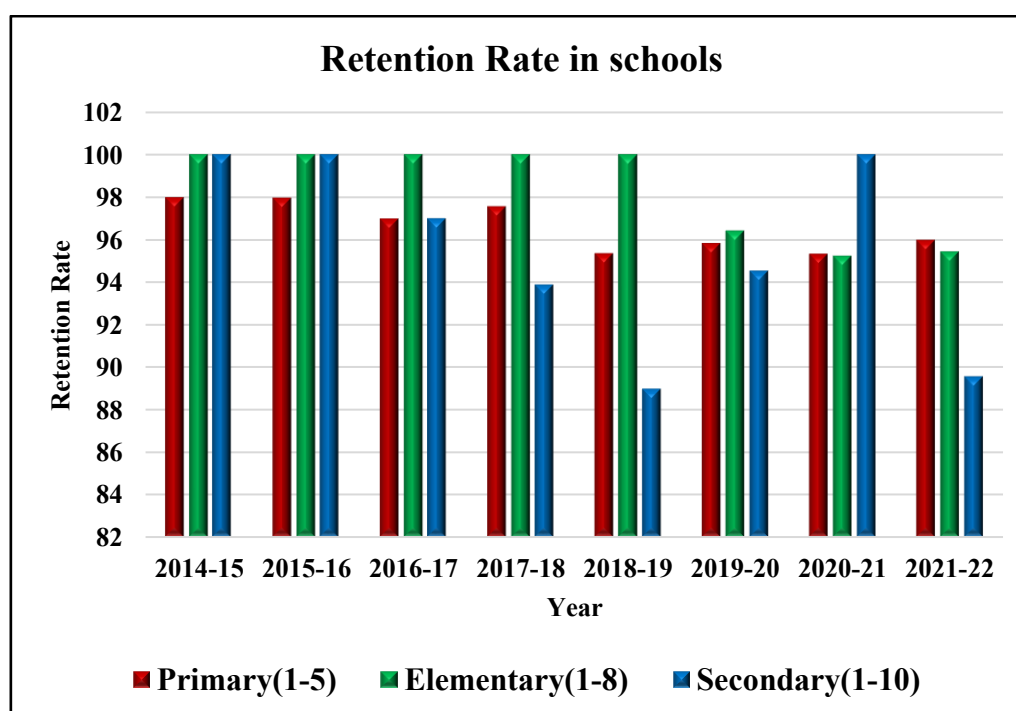
4.8.4 Retention Rate in Primary Schools

Percentage of children enrolled in the first grade of a given stage of education in a given school year who are expected to reach the last grade of the stage.

⁴³² Ibid

Table 21 Retention Rate in schools

Year	Primary(1-5)	Elementary(1-8)	Secondary(1-10)
2014-15	98	100	100
2015-16	97.97	100	100
2016-17	97	100	97
2017-18	97.58	100	93.88
2018-19	95.37	100	88.99
2019-20	95.84	96.42	94.53
2020-21	95.33	95.25	100
2021-22	95.99	95.45	89.55



Source: UDISE⁴³³

Figure 17 Retention rate in schools

⁴³³ Ibid

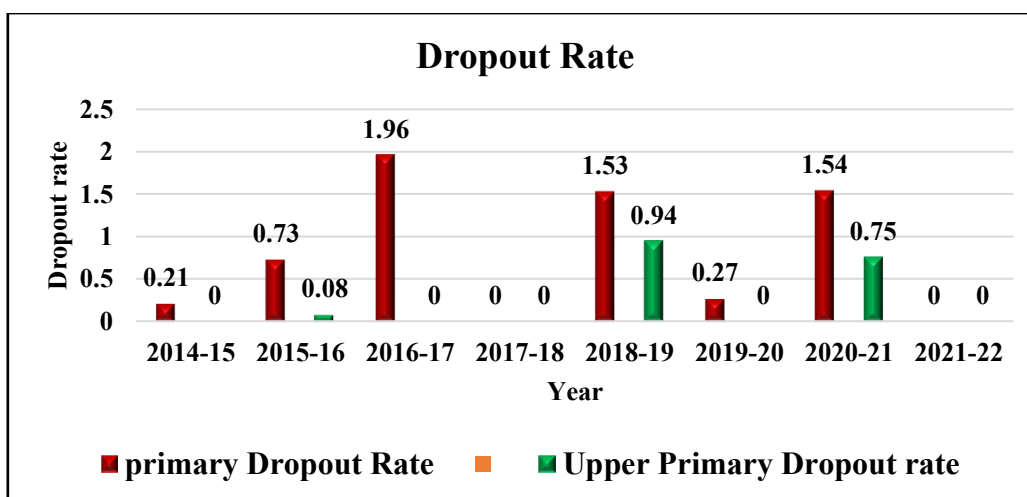
Table 21 and Figure 17 indicates the Retention Rate in Schools in Goa in primary, Upper Primary and Elementary level from 2014-15 till 2021-22. In Goa, the Average Retention Rate for Primary Schools is 97%, for Elementary is 98% and for Secondary is 95% from 2014 till 2021-22.

4.8.5 Dropout Rate

The proportion of pupils from a cohort enrolled in a given stage at a given school year who are no longer enrolled in the following school year.

Table 22 Dropout Rate

Year	Primary Dropout Rate	Upper Primary Dropout rate
2014-15	0.21	0
2015-16	0.73	0.08
2016-17	1.96	0
2017-18	0	0
2018-19	1.53	0.94
2019-20	0.27	0
2020-21	1.54	0.75
2021-22	0	0



Source: UDISE⁴³⁴

Figure 18 Dropout rate

Table 22 and Figure 18 indicates the Dropout Rate in Schools in Goa in primary and Upper Primary level from 2014-15 till 2021-22. In Goa, the Average Dropout rate for Primary level education is 0.78%, and for upper primary level education is 0.22% from 2014 till 2021-22.

4.8.6 Promotion Rate

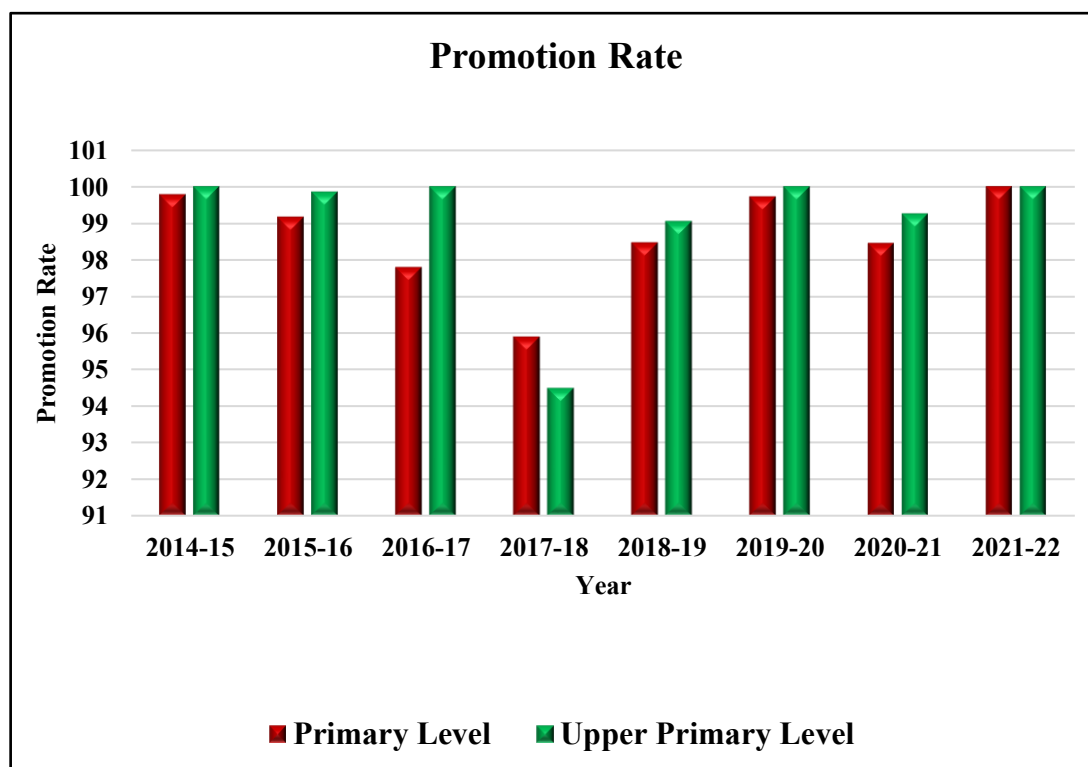
The proportion of pupils from a cohort enrolled in a given stage at a given school year who study in the next stage in the following school year.

Table 23 Promotion Rate

Year	Primary Level	Upper Primary Level
2014-15	99.79	100
2015-16	99.17	99.85
2016-17	97.79	100
2017-18	95.9	94.49
2018-19	98.47	99.05
2019-20	99.73	100

⁴³⁴ <https://udisplus.gov.in/>

2020-21	98.46	99.25
2021-22	100	100



Source: UDISE⁴³⁵

Figure 19 Promotion rate

Table 23 and Figure 19 indicates the Promotion Rate in Schools in Goa in primary and Upper Primary level from 2014-15 till 2021-22. In Goa, the Average Promotion rate for Primary level education is 98%, and for upper primary level education is 99% from 2014 to 2021-22.

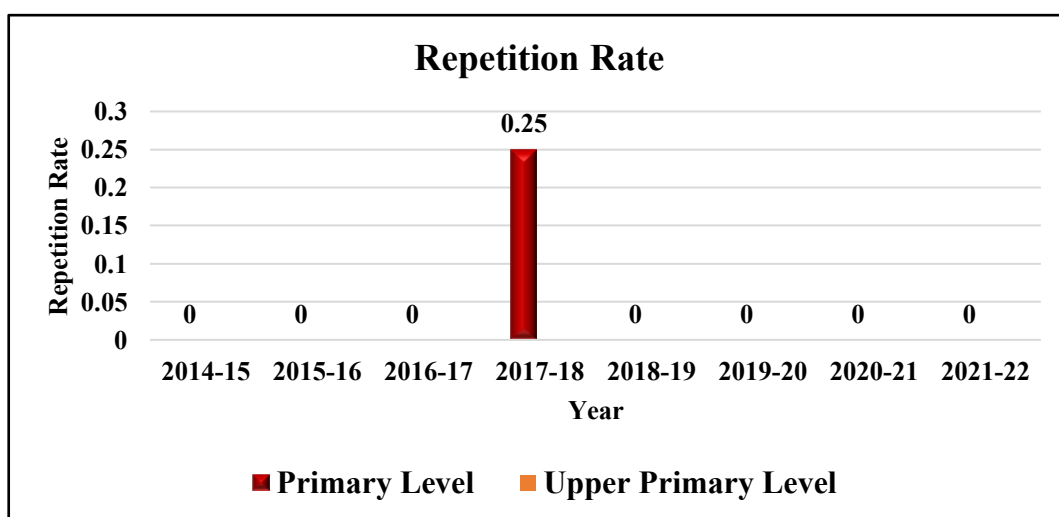
4.8.7 Repetition rate

The proportion of pupils from a cohort enrolled in a given stage of school education who studies at the same stage in the following school year.

⁴³⁵ Ibid

Table 24 Repetition Rate

Year	Primary Level	Upper Primary Level
2014-15	0	0
2015-16	0	0
2016-17	0	0
2017-18	0.25	0
2018-19	0	0
2019-20	0	0
2020-21	0	0
2021-22	0	0



Source: UDISE⁴³⁶

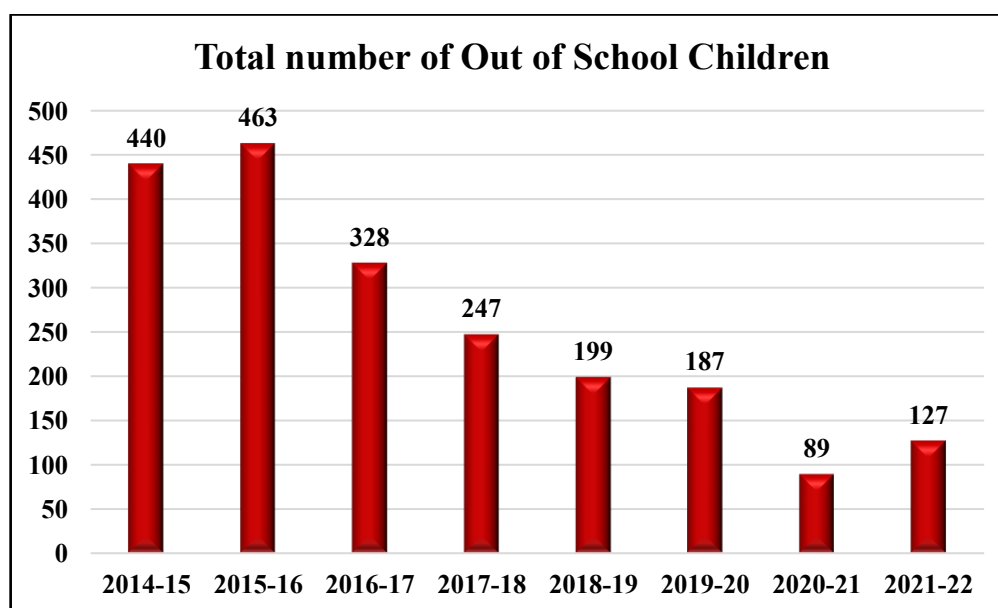
Figure 20 Repetition Rate

⁴³⁶ Ibid

Table 24 and Figure 20 indicates the Retention Rate in Schools in Goa. In primary, Upper Primary level from 2014-15 till 2021-22. In Goa, the repetition rate is NIL

Table 25 Total number of Out of School Children (OoSc) in Goa

Year	Total number of Out of School Children
2014-15	440
2015-16	463
2016-17	328
2017-18	247
2018-19	199
2019-20	187
2020-21	89
2021-22	127



Source: Primary

Figure 21 Total number of Out of School Children (OoSc) in Goa

Table 25 and Figure 21 indicates the total number of Out of School Children (OoSc) in Goa. Initially in the year 2014-15, the number of OoSc is very high. However, the number is seen to be reduced over the years. This is specifically because of interventions by Samagra Shiksha Abhiyan. In the year 2021-22, the number is seen again bit high, on account of Covid pandemic.

Table 26 Total number of Out of School children based on age

Year	Age	Total Number of Out of School Children	
		Boys	Girls
2014-15	6-10	age wise data not available	
	11-12	age wise data not available	
	13-14	age wise data not available	
	Total	211	229
2015-16	6-10	age wise data not available	
	11-12	age wise data not available	
	13-14	age wise data not available	
	Total	219	244
2016-17	6-10	age wise data not available	
	11-12	age wise data not available	
	13-14	age wise data not available	
	Total	160	168
2017-18	6-10	age wise data not available	

	11-12	age wise data not available	
	13-14	age wise data not available	
	Total	107	140
2018-19	6-10	65	61
	11-12		
	13-14	30	43
2019-20	6-10	91	74
	11-12		
	13-14	7	15
2020-21	6-10	34	35
	11-12		
	13-14	4	16
2021-22	6-10	59	45
	11-12		
	13-14	11	12

Source: Primary

Table 26 indicates the total number of Out of School children in Goa based on age. The data was retrieved through RTI application made to Samagra Shiksha Abhiyan. From 2014-15 till 2017-18, the department did not have the data based on age. However, from 2018 onwards it can be seen that most of the Out of School children are within the age group of 6-10 years. Similarly, the number of boys who are Out of School outnumber the girls in all these years.

Table 27 Total number of Out of School Children enrolled in schools

Year	Total Number of Out of School Children		No of out of school children enrolled in schools due to the efforts of Samagra Shiksha Abhiyan	
	Boys	Girls	Boys	Girls
2014-15	211	229	211	229
2015-16	219	244	219	244
2016-17	160	168	160	168
2017-18	107	140	107	140
2018-19	95	104	95	104
2019-20	98	89	98	89
2020-21	38	51	38	51
2021-22	70	57	70	57

Source : Primary

Table 27 indicates the total number of Out of School Children enrolled in schools. The data was obtained from Samagra Shiksha Abhiyan. The department does not have details of schools in which the students are enrolled from 2014-15 to 2017-18.

In 2018- 19 the Out of School children were enrolled in the following schools

Don Bosco High School Calangute, Calangute Peoples High School, Vidyaniketan high School, GPS Naikwada, GPMS Thivim, St. Ann's High School Thivim, Santa Mingual High School, Taligao, Infant Jesus Academy, Vidhya Vihar High School, Kiran Niketan, Zuarinagar, GMS Curpawado, GPMS Dabolim, Al-Madina Hig School, Immaculae Heart of Mary, Goa Velha, Popular English High School, Goa Velha, GPS Sulabhat, GPS Goa Velha, GPS Gauthan Dharbandora, Our Lady of Fatima School,

Sanguem, GPS Deulwada, Harmal, New Era High School, Margao, T. B. Cunha New High School Salcete, GPS Motidongar, Salcete.

In 2019- 20 the Out of School children were enrolled in the following schools

GPS Deulwada. Harmal, Shanta Vidyalaya Primay School. GPS Karaswada. GPS Cunchelim. Dr. Ambedkar High School. Calangute People Primary School, Don Bosco Primary School. St. Ann's High School. GPS MuslimwadaBhom, Ponda, GHS Dhaushire, Ponda Popular English High School, Immaculate Heart of Marry Primary School. GPS Malar Corlim, GPS Sao Pedro. GPS Ela Ols Goa. GPS Khareban No.2. Regina Martyrum High School. Vidya Vihar High School. Infant Jesus Academy Primary School, Al-Madina Primary School, GPS Cansaulim. GPMS Dabolim. GPMS Curpawado, Kiran Niketan Primary School. Zuarinagar

In 2020- 21, the Out of School children were enrolled in the following schools

St. Ann's High SchoolThivim. GPMS Tivim. GPS Karaswada, Dr. Ambedkar School, St. Domnic Savio High School, Don Bosco High School, Calangute. GHS Dhaushire. Pond, Our lady of Rosary Primary School. Our lady of Fatima. Kiran Niketan Primary School. Vidhya Vihar High School

In 2021- 22, the Out of School children were enrolled in the following schools

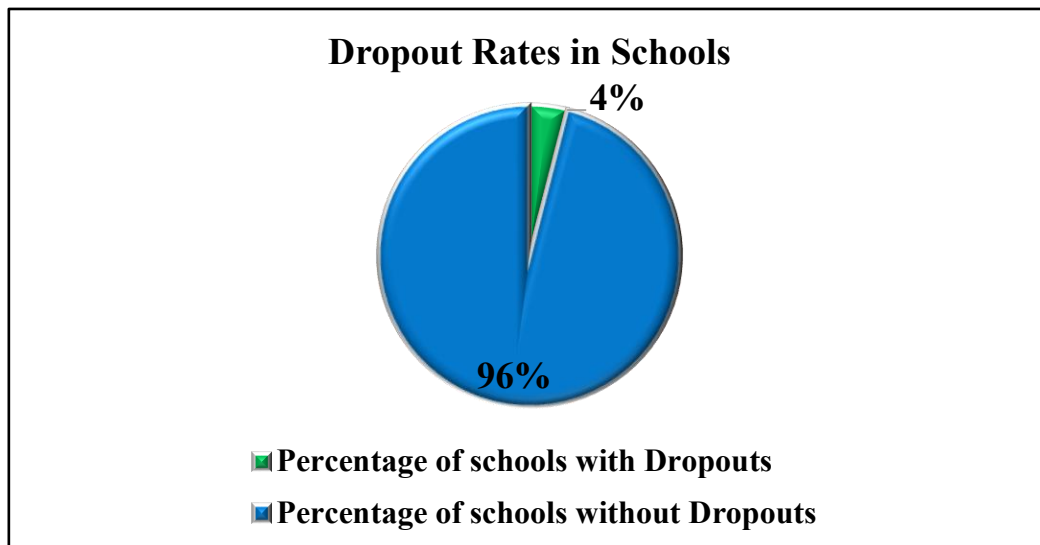
GPS Karaswada, Janata High School, Santa Vidyalaya, Dr. Ambedkar School, GPS Panaji. Auxilium High School, GPS Taleigao, GHS Donapaul, GPS Ramdas, Panaji, Don Bosco High School, St. Michael School, GPS Dabolim, Kiran Niketan School, Govt. School Zuarinagar, New Era High School, GPS Aquem, Alto Bindolem, GPS Motidongar, AIM High School(Urdu Medium)

In addition to it, the data reveals that amongst the total number of Out of school children, none of them belonged to the migrants.

4.8.8 Analysis of the empirical data obtained through questionnaires

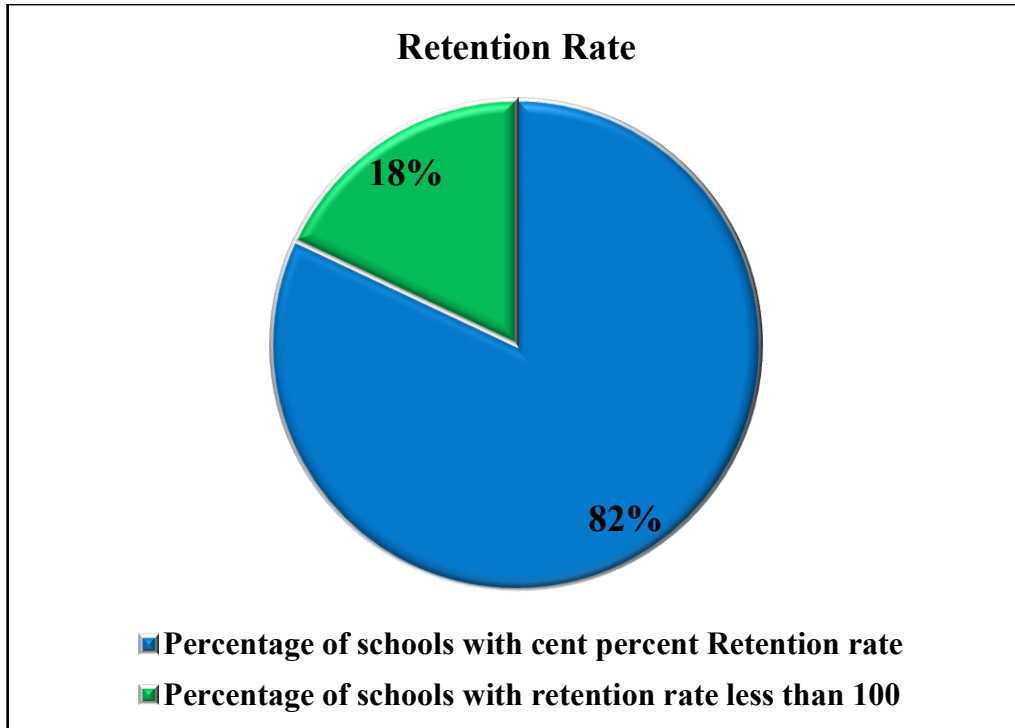
Major data about the functioning of the schools was collected from the Heads of the Institution through the structured questionnaire. The main questions under the Universalization of elementary education pertained to enrolment levels, retention and dropout rates across the schools forming part of the empirical study.

Dropout Rate



Source: Primary
Figure 22 Dropout rate

Figure 22 depicts the percentage of schools having the problem of dropouts in elementary education. It was seen that 4% of the schools were of the opinion that there is an incidence of dropout in their schools, whereas 96% of schools did not face the problem of dropout. The average dropout percentage ranged between 1% to 2%.

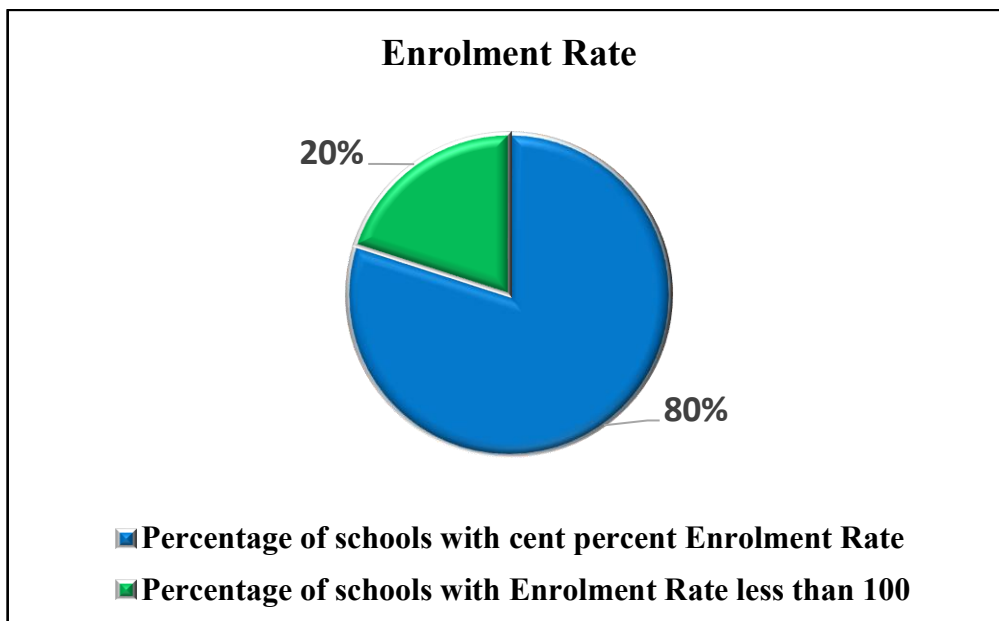


Source: Primary

Figure 23 Retention Rate

Figure 23 shows the retention rate across schools forming part of the empirical study. It was informed that 82% of schools had a 100% retention rate, whereas for the remaining 18% schools, it ranged between 98 to 99%.

Enrolment levels in Schools



Source: Primary

Figure 24 enrolment levels in schools

Figure 24 reveals the Enrolment Rate in the Schools. 80% of schools were of the opinion that they had 100 percent enrolment in the schools, whereas 20% of the schools opined that their enrolment in elementary schools ranged between 70 to 80%.

4.9 Availability of Infrastructural facilities

Quality education is a comprehensive concept that goes beyond curriculum and teaching methods to include the physical environment where learning takes place. School infrastructure encompasses the physical and organizational structures, facilities, and systems that support education. This includes essential components such as classrooms, laboratories, libraries, sports facilities, sanitation, and safety measures.

Research consistently demonstrates a strong link between well-developed school infrastructure and academic success. Classrooms, as the primary spaces for education, play a central role in the learning process. Properly equipped classrooms with adequate seating, lighting, and ventilation foster a conducive learning environment. Maintaining cleanliness and hygiene is vital for the health and well-being of both students and staff. Schools with access to clean water, sanitation facilities, and well-maintained toilets provide a healthier setting for learning. Equally important is ensuring the safety and security of students on school premises. This requires robust safety measures, such as fire safety equipment, emergency exits, and accident prevention protocols.

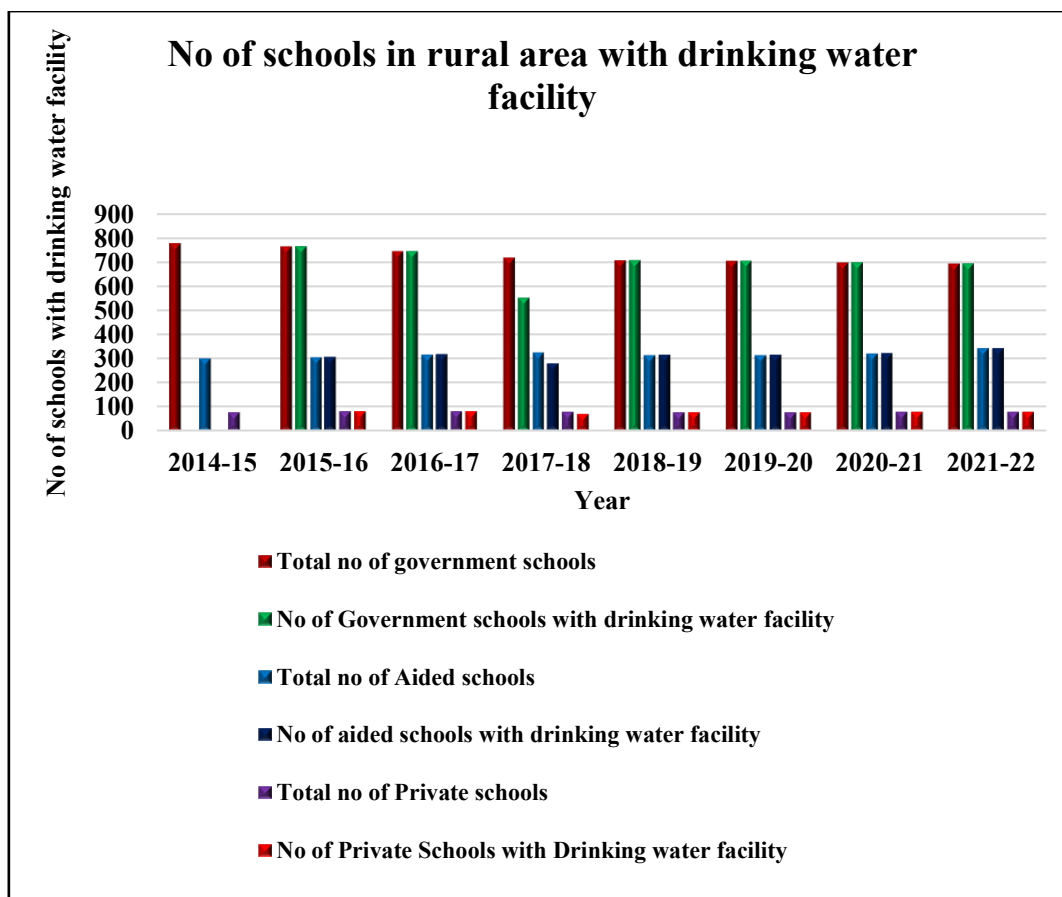
The data was collected and analyzed from the UDISE Data pertaining to the availability of the infrastructural facilities in the following schools in Goa

1. Government school in rural and urban area
2. Aided Schools in rural and urban area
3. Private (unaided) schools in rural and urban area.

4.9.1 Availability of Drinking water

Table 28 Availability of drinking water in schools in rural area

Year	Total no of government schools	No of Government schools with drinking water facility	Total no of Aided schools	No of aided schools with drinking water facility	Total no of Private schools	No of Private Schools with Drinking water facility
2014-15	778	0	297	0	73	0
2015-16	763	763	302	302	78	78
2016-17	743	743	314	314	78	78
2017-18	717	550	322	276	76	68
2018-19	707	707	311	311	74	74
2019-20	704	704	312	312	73	73
2020-21	698	698	317	317	75	75
2021-22	692	692	340	339	75	75



Source: UDISE⁴³⁷

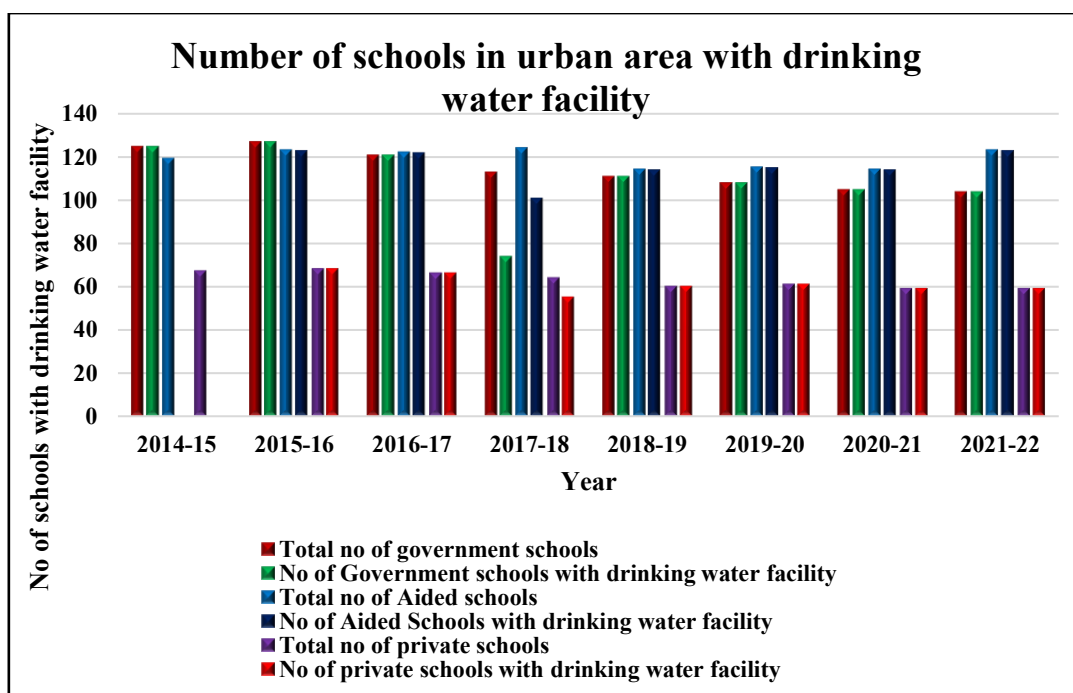
Figure 25 Availability of drinking water in schools in rural area

Table 28 and Figure 25 indicate the number of schools across different management type schools in rural areas with drinking water facility in Goa from 2014-15 till 2021-22. Except for the year 2014-15, all other years indicate that all the schools provide adequate facility of drinking water across all management type schools.

⁴³⁷ Ibid

Table 29 Availability of Drinking water in schools in urban area

Year	Total no of government schools	No of Government schools with drinking water facility	Total no of Aided schools	No of Aided Schools with drinking water facility	Total no of private schools	No of private schools with drinking water facility
2014-15	125	125	119	0	67	0
2015-16	127	127	123	123	68	68
2016-17	121	121	122	122	66	66
2017-18	113	74	124	101	64	55
2018-19	111	111	114	114	60	60
2019-20	108	108	115	115	61	61
2020-21	105	105	114	114	59	59
2021-22	104	104	123	123	59	59



Source: UDISE⁴³⁸

Figure 26 Availability of Drinking water in schools in urban area

Table 29 and Figure 26 indicate the number of schools across different management type schools in urban areas with drinking water facility in Goa from 2014-15 till 2021-22. Except for the year 2014-15, all other years indicate that all the schools provide adequate facility of drinking water across all management type schools.

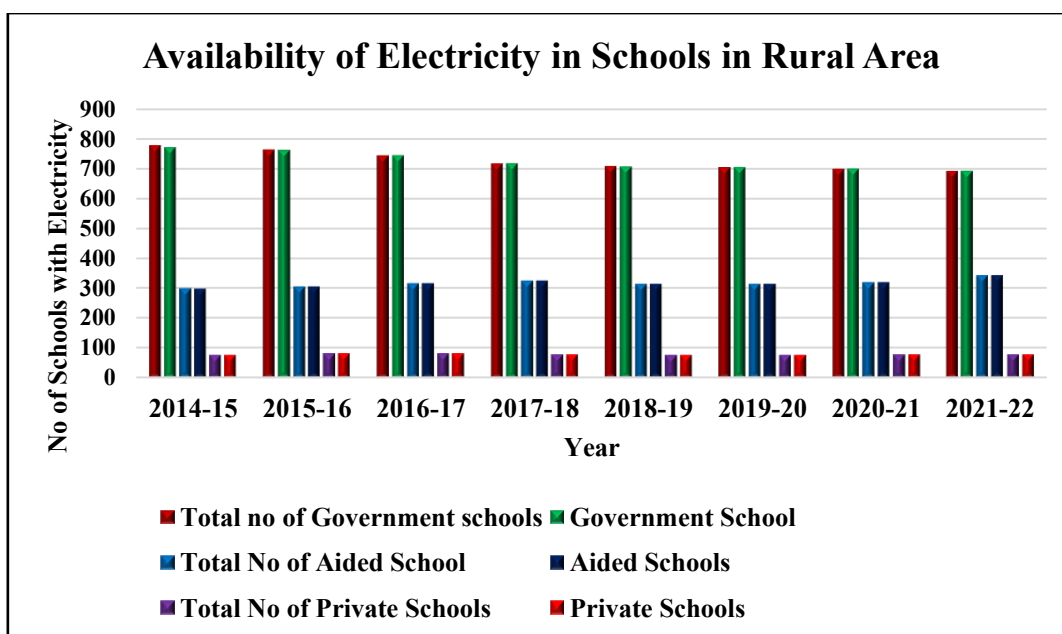
4.9.2 Availability of Electricity

Table 30 Availability of Electricity in schools in rural area

Year	Total no of Govern ment schools	Govt School	Total No of Aided School	Aided Schools	Total No of Private Schools	Private Schools
2014-15	778	770	297	295	73	73

⁴³⁸ Ibid

2015-16	763	761	302	302	78	78
2016-17	743	743	314	314	78	78
2017-18	717	717	322	322	76	76
2018-19	707	706	311	311	74	74
2019-20	704	704	312	312	73	73
2020-21	698	698	317	317	75	75
2021-22	692	692	340	340	75	75



Source: UDISE⁴³⁹

Figure 27 Availability of Electricity in schools in rural area

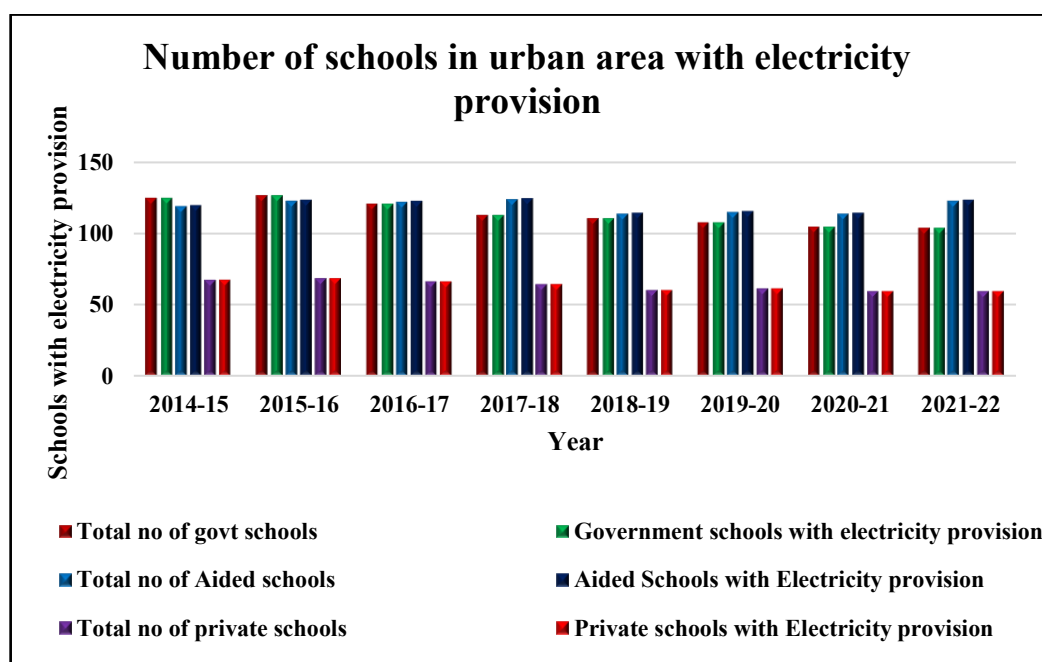
Table 30 and Figure 27 indicate the number of schools across different management type schools in rural areas with electricity facility in Goa from 2014-15 till 2021-22. Except for the year 2014-15, all other years indicate that all the schools provide adequate provision of electricity across all management type schools. In the year 2014-15 only minimal number of government and aided schools did not have provision for electricity.

Table 31 Availability of Electricity in schools in urban area

Year	Total no of govt schools	Govt schools with electricity provision	Total no of Aided schools	Aided Schools with Electricity provision	Total no of private schools	Private schools with Electricity provision
2014-15	125	125	119	119	67	67
2015-16	127	127	123	123	68	68

⁴³⁹ Ibid

2016-17	121	121	122	122	66	66
2017-18	113	113	124	124	64	64
2018-19	111	111	114	114	60	60
2019-20	108	108	115	115	61	61
2020-21	105	105	114	114	59	59
2021-22	104	104	123	123	59	59



Source: UDISE⁴⁴⁰

Figure 28 Availability of Electricity in schools in urban area

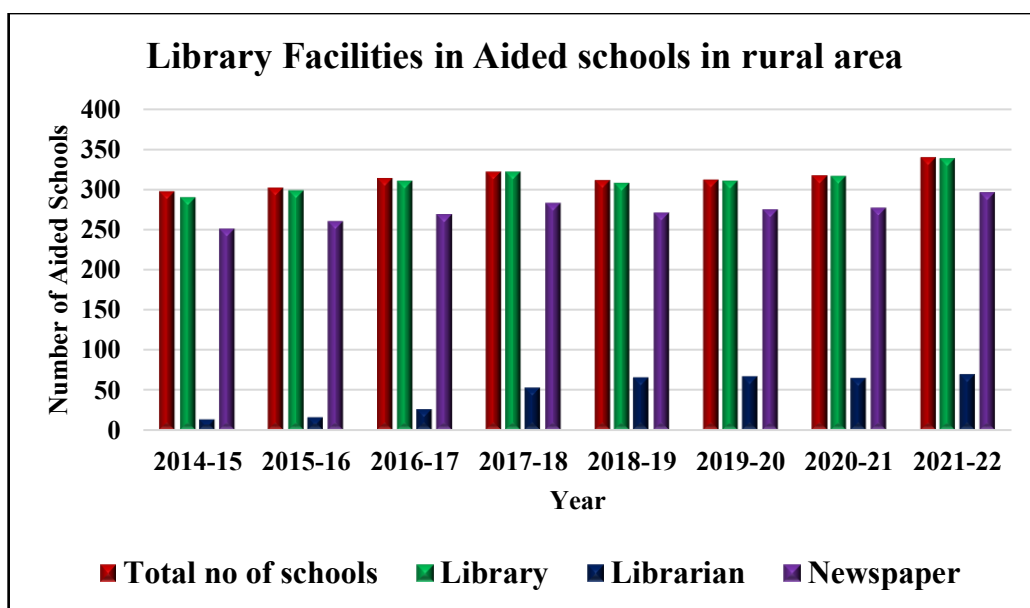
⁴⁴⁰<https://udiseplus.gov.in/>

The data presented in Table 31 and Figure 28 illustrates the number of schools across various management types in urban areas of Goa equipped with electricity facilities from 2014-15 to 2021-22. During this period, all schools consistently had adequate provision for electricity, regardless of their management type. This stands in stark contrast to rural schools, where, in 2014-15, government and aided schools lacked electricity provision.

4.9.3 Availability of Library and library facilities

Table 32 Library facilities in Aided Schools in rural area

Year	Total no of schools	Library	Librarian	Newspaper
2014-15	297	289	13	250
2015-16	302	298	16	259
2016-17	314	310	26	268
2017-18	322	321	52	282
2018-19	311	307	65	270
2019-20	312	310	66	274
2020-21	317	316	64	276
2021-22	340	338	69	295



Source: UDISE⁴⁴¹

Figure 29 Library facilities in Aided Schools in rural area

Table 32 and Figure 29 present data on library facilities in Aided Schools located in rural areas from 2014-15 to 2021-22. The data reveals that almost all Aided Schools have library facilities, with only 2 to 3 schools lacking them each year. However, very few schools employ full-time librarians, and not all schools provide newspapers in their libraries.

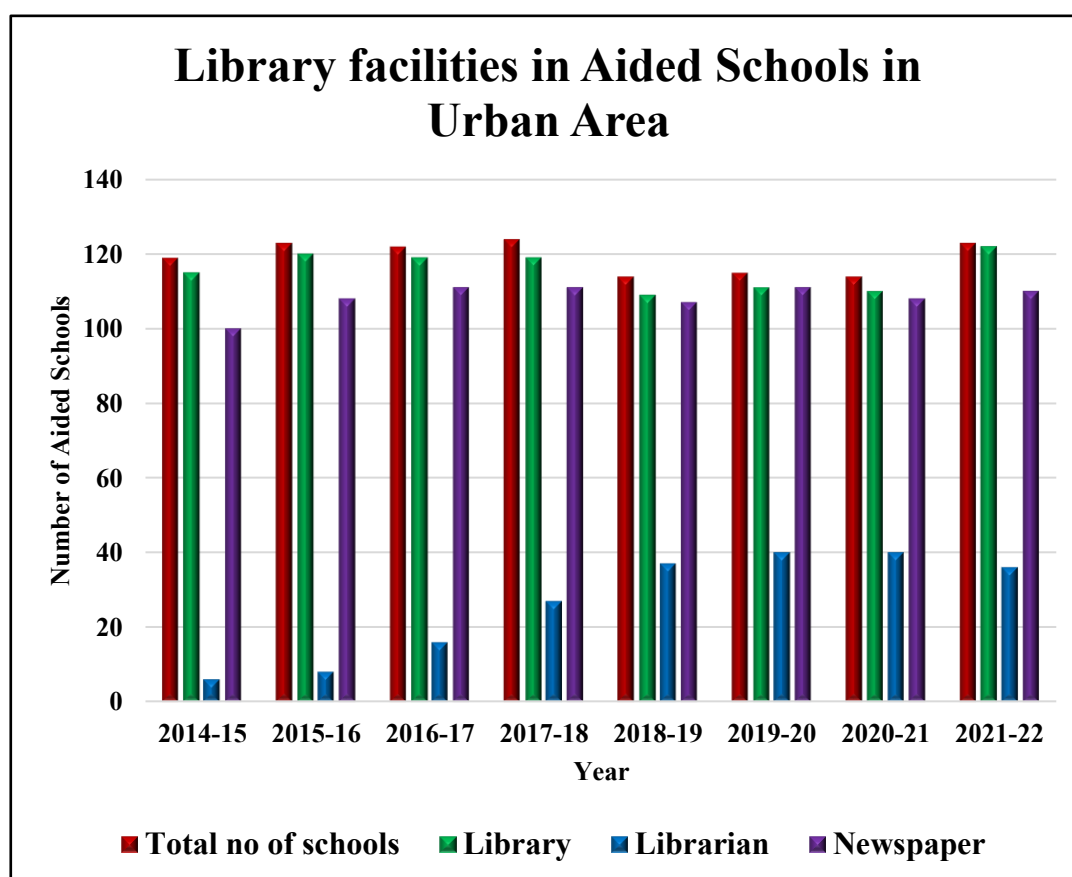
The majority of Heads of Institutions reported that their libraries lack an adequate collection of books. In particular, there is a scarcity of fiction and general knowledge books.

Table 33 Library facilities in Aided Schools in Urban Area

Year	Total no of schools	Library	Librarian	Newspaper
2014-15	119	115	6	100
2015-16	123	120	8	108
2016-17	122	119	16	111

⁴⁴¹ Ibid

2017-18	124	119	27	111
2018-19	114	109	37	107
2019-20	115	111	40	111
2020-21	114	110	40	108
2021-22	123	122	36	110



Source: UDISE⁴⁴²

Figure 30 Library facilities in Aided Schools in Urban Area

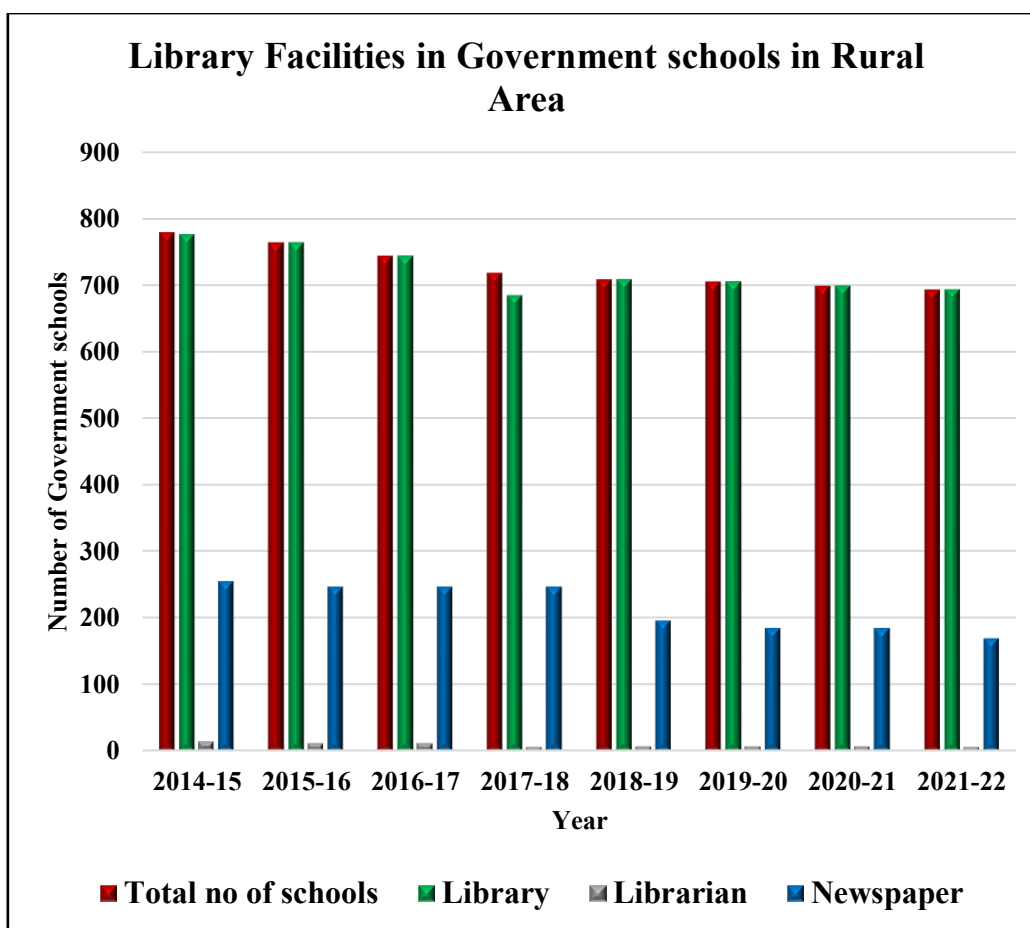
Table 33 and Figure 30 present data on library facilities in Aided Schools located in urban areas from 2014-15 to 2021-22. Similar to their rural counterparts, almost all urban Aided Schools have library facilities, with only 2 to 3 schools lacking them each year. However, very few schools employ full-time librarians. Additionally, not all

⁴⁴² Ibid

schools provide newspapers in their libraries—a fundamental resource for cultivating reading habits among children.

Table 34 Library facilities in Government schools in rural area

Year	Total no of schools	Library	Librarian	Newspaper
2014-15	778	775	12	253
2015-16	763	763	10	245
2016-17	743	743	10	245
2017-18	717	683	5	245
2018-19	707	707	6	194
2019-20	704	704	6	183
2020-21	698	698	6	183
2021-22	692	692	5	168



Source: UDISE⁴⁴³

Figure 31 Library facilities in Government schools in rural area

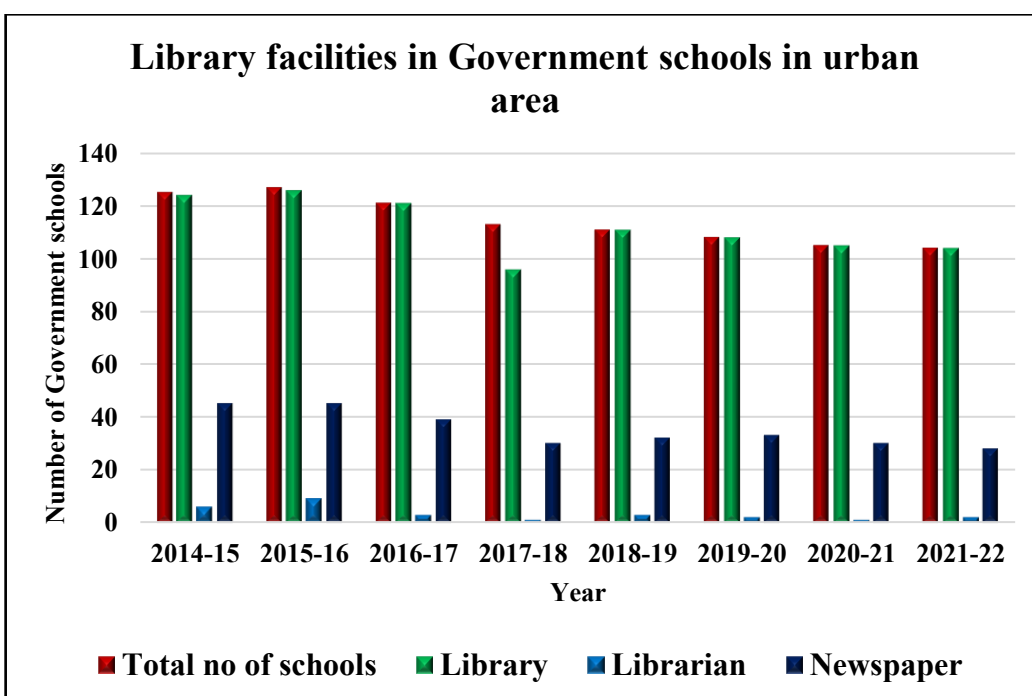
Table 34 and Figure 31 highlight data on library facilities in Government Schools in rural areas from 2014-15 to 2021-22. While all government schools have library facilities, less than half provide newspapers for student reading. Additionally, only a small number of schools employ full-time librarians, with figures remaining in the single digits throughout the period.

Table 35 Library facilities in Government schools in urban area

Year	Total no of schools	Library	Librarian	Newspaper
2014-15	125	124	6	45
2015-16	127	126	9	45

⁴⁴³ Ibid

2016-17	121	121	3	39
2017-18	113	96	1	30
2018-19	111	111	3	32
2019-20	108	108	2	33
2020-21	105	105	1	30
2021-22	104	104	2	28



Source: UDISE⁴⁴⁴

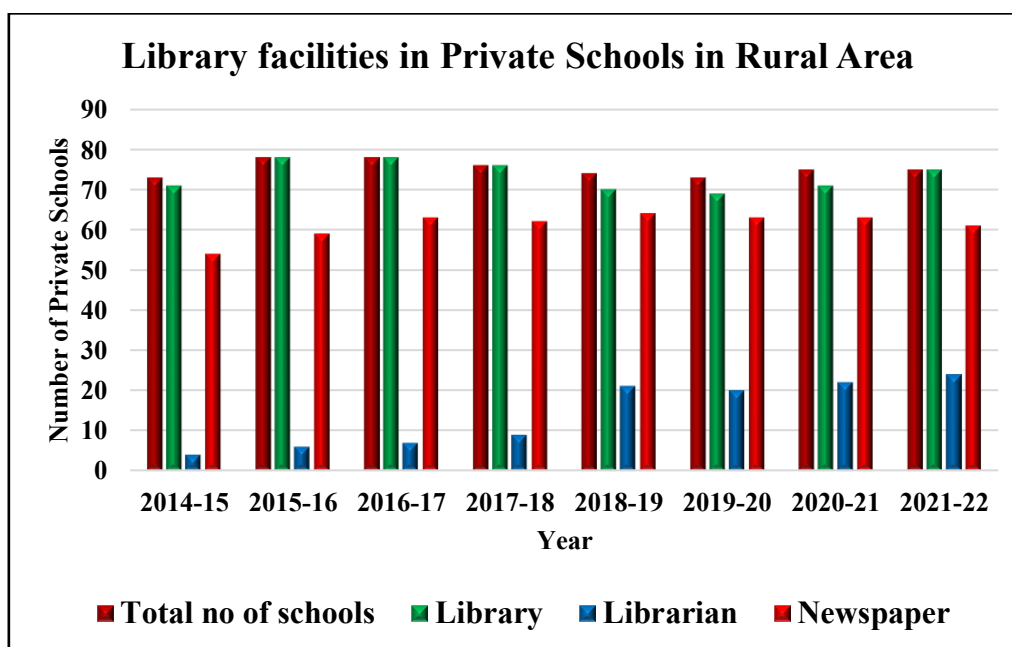
Figure 32 Library facilities in Government schools in urban area

Table 35 and Figure 32 highlight data on library facilities in Government Schools in urban areas from 2014-15 to 2021-22. Similar to in rural areas, all government schools in urban areas have library. However, very minimal number of schools have separate librarian and provision for newspapers.

⁴⁴⁴ Ibid

Table 36 Library facilities in Private schools in rural area

Year	Total no of schools	Library	Librarian	Newspaper
2014-15	73	71	4	54
2015-16	78	78	6	59
2016-17	78	78	7	63
2017-18	76	76	9	62
2018-19	74	70	21	64
2019-20	73	69	20	63
2020-21	75	71	22	63
2021-22	75	75	24	61



Source: UDISE⁴⁴⁵

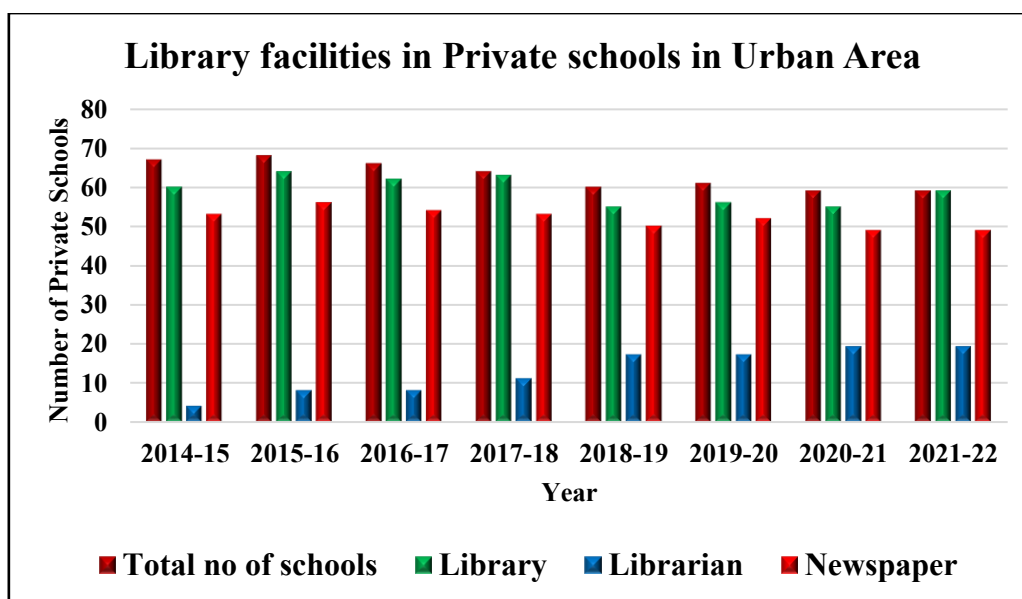
Figure 33 Library facilities in Private schools in rural area

⁴⁴⁵ Ibid

Table 36 and Figure 33 highlight data on library facilities in Private Schools in rural areas from 2014-15 to 2021-22. Almost all the private schools have the facility of library in rural area. Compared to Aided and Government schools, majority of the private schools have availability of newspapers in the library. However, the number of schools having separate librarian is yet minimal.

Table 37 Library facilities in Private schools in urban area

Year	Total no of schools	Library	Librarian	Newspaper
2014-15	67	60	4	53
2015-16	68	64	8	56
2016-17	66	62	8	54
2017-18	64	63	11	53
2018-19	60	55	17	50
2019-20	61	56	17	52
2020-21	59	55	19	49
2021-22	59	59	19	49



Source: UDISE⁴⁴⁶

Figure 34 Library facilities in Private schools in urban area

Table 37 and Figure 34 highlight data on library facilities in Private Schools in urban areas from 2014-15 to 2021-22. Almost all the private schools have the facility of library in urban areas. Adequate number of schools have provision of newspapers in the library. However, majority of the schools are still lacking separate librarian for the schools.

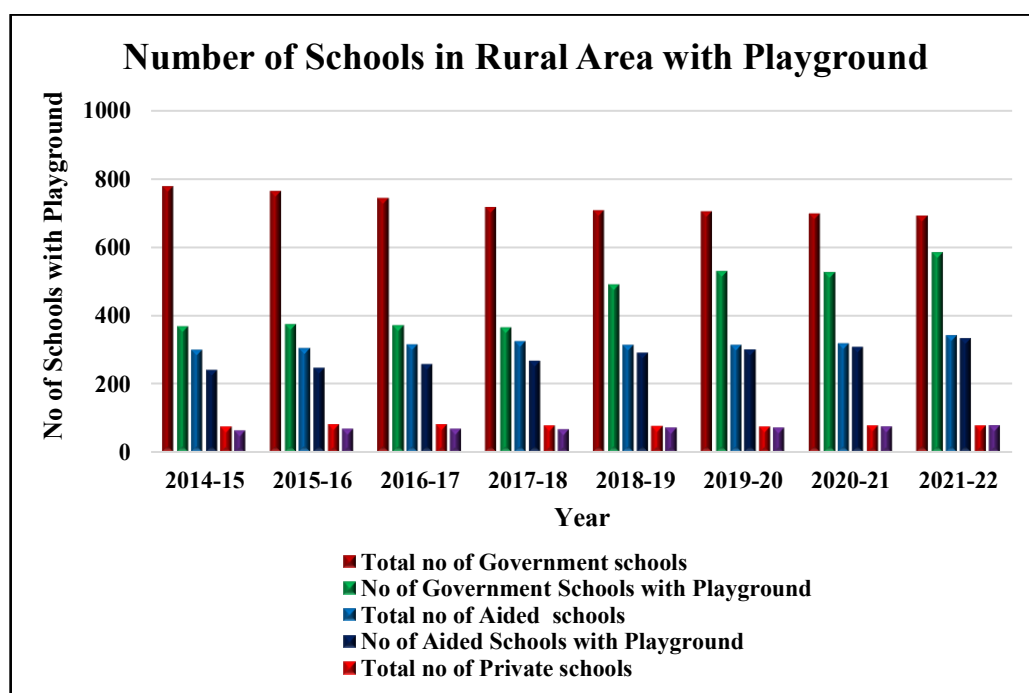
4.9.4 Availability of playground

Table 38 Availability of playground in schools in rural area

Year	Total no of Govt schools	No of Govt Schools with ground	Total no of Aided school	No of Aided Schools with ground	Total no of Private schools	Number of Private schools with ground
2014-15	778	366	297	238	73	62
2015-16	763	373	302	244	78	66

⁴⁴⁶ <https://udiseplus.gov.in/>

2016-17	743	369	314	255	78	66
2017-18	717	363	322	265	76	64
2018-19	707	488	311	289	74	69
2019-20	704	527	312	297	73	69
2020-21	698	524	317	305	75	72
2021-22	692	582	340	331	75	75



Source: UDISE⁴⁴⁷

Figure 35 Availability of playground in schools in rural area

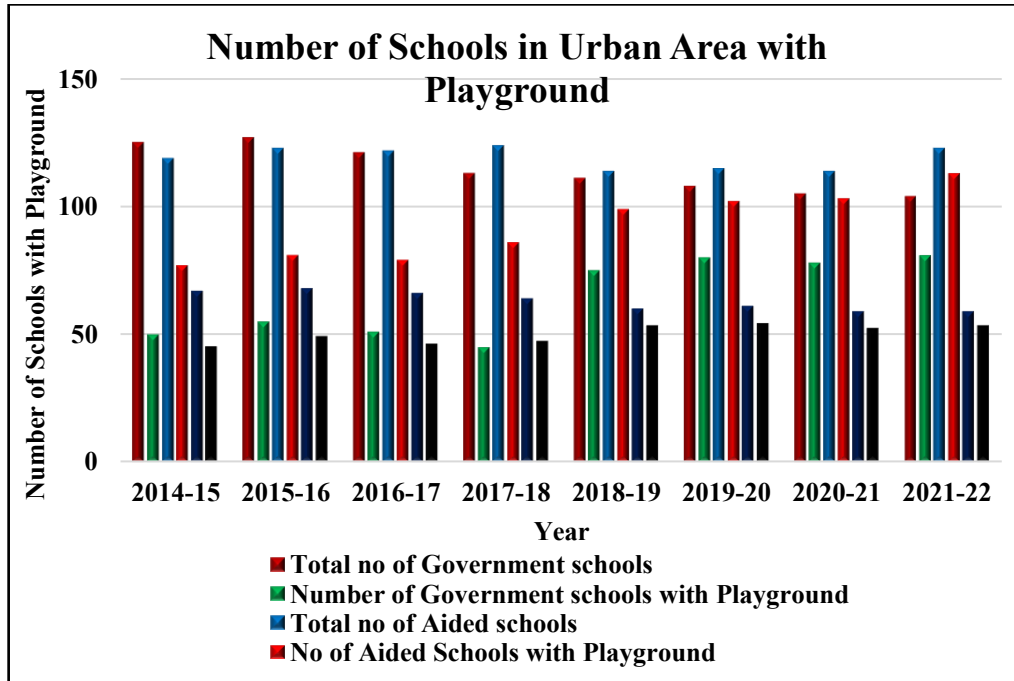
⁴⁴⁷ Ibid

The data in Table 38 and Figure 35 highlights the availability of playground facilities in schools across various management types in rural areas of Goa from 2014-15 to 2021-22. A majority of government schools lacked playground facilities until 2021, although the number of such schools has gradually increased over the years. Aided schools followed a similar trend but had significantly fewer schools without playgrounds, with a difference of approximately nine schools by 2021. Initially, very few private schools did not have playground facilities, but by 2021, all private schools were equipped with them.

Table 39 Number of schools with playground in urban area

Year	Total no of Govt schools	Number of Govt schools with Playground	Total no of Aided schools	No of Aided Schools with Playground	Total no of Private schools	Number of Private schools with Playground
2014-15	125	50	119	77	67	45
2015-16	127	55	123	81	68	49
2016-17	121	51	122	79	66	46
2017-18	113	45	124	86	64	47
2018-19	111	75	114	99	60	53
2019-20	108	80	115	102	61	54
2020-21	105	78	114	103	59	52

2021-22	104	81	123	113	59	53
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Source: UDISE⁴⁴⁸

Figure 36 Number of schools with playground in urban area

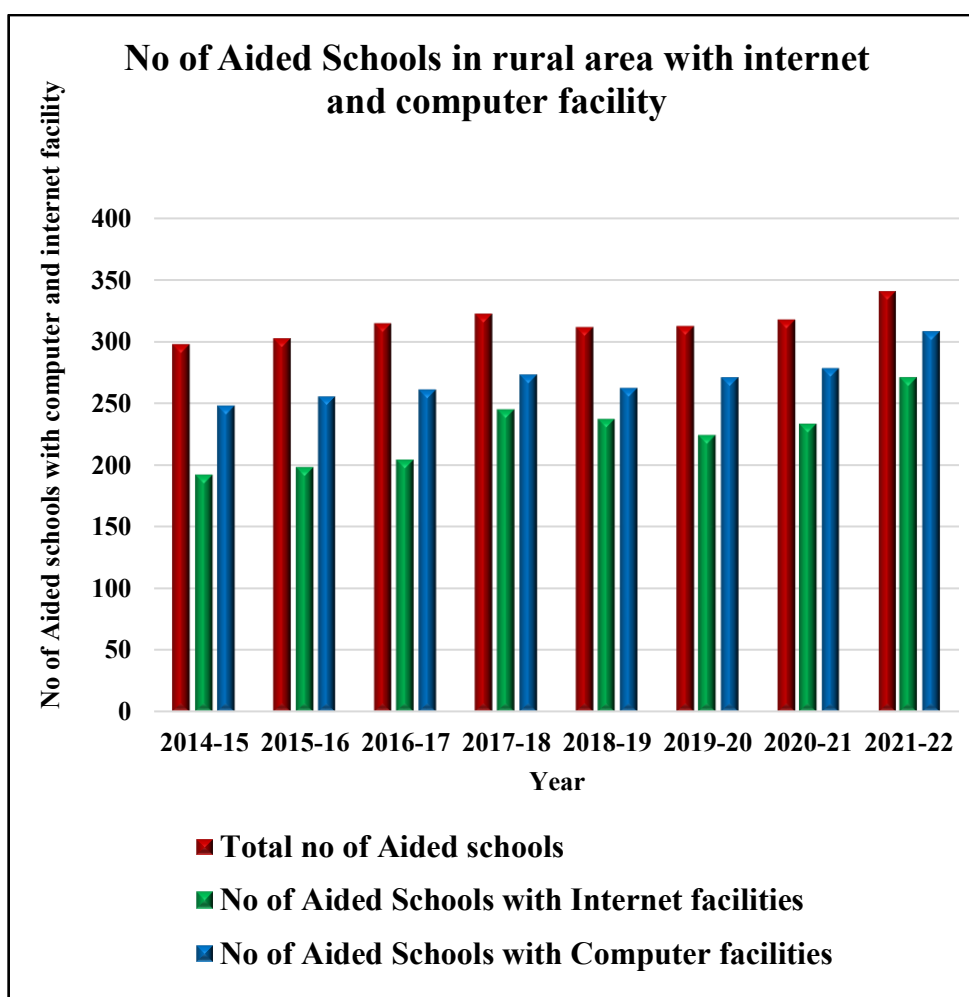
Table 39 and Figure 36 present data on the availability of playground facilities in schools across various management types in urban areas of Goa from 2014-15 to 2021-22. In urban areas, no category of management has achieved 100% provision of playground facilities by 2021. The largest gap is observed in government schools, while private schools show the smallest gap, with a difference of approximately six schools. The primary reason attributed for the absence of playground is lack of space for a playground in urban area.

⁴⁴⁸ Ibid

4.9.5 Availability of Computers and Internet facility

Table 40 Number of Aided schools in rural area with computers and internet facility

Year	Total no of Aided schools	No of Aided Schools with Internet facilities	No of Aided Schools with Computer facilities
2014-15	297	192	248
2015-16	302	198	255
2016-17	314	204	261
2017-18	322	245	273
2018-19	311	237	262
2019-20	312	224	271
2020-21	317	233	278
2021-22	340	271	308



Source: UDISE⁴⁴⁹

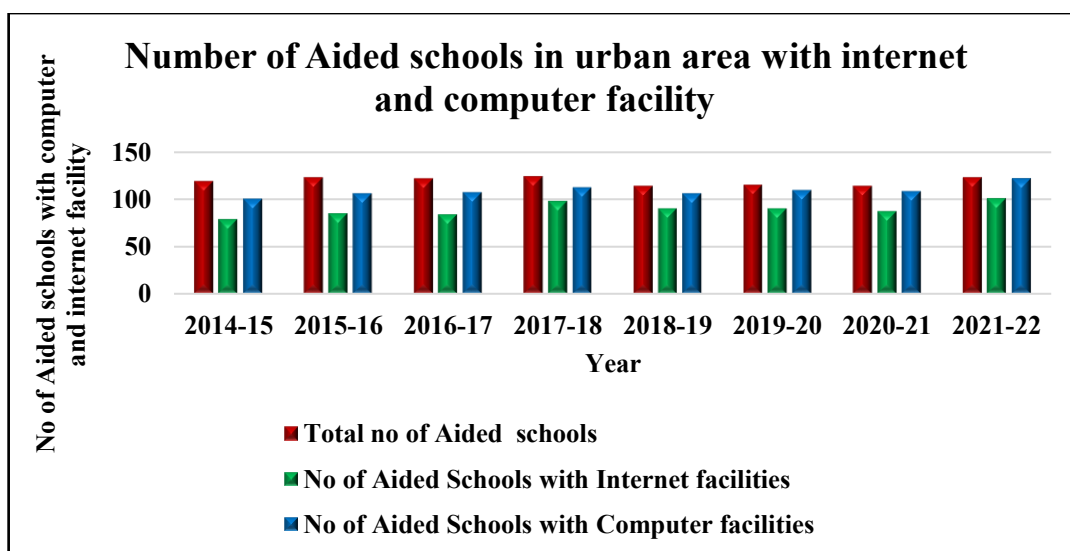
Figure 37 Number of Aided schools in rural area with computers and internet facility

Table 40 and Figure 37 present data on the availability of computer and internet facilities in aided schools from rural area of Goa from 2014-15 to 2021-22. The table indicates that till 2021, large numbers of schools still do not have provision for computers. Similarly, a large number of schools with computers also do not have internet facility. Although the number of schools with computers and internet facility has risen especially after covid pandemic, yet majority of the students in aided schools are deprived of the essential facility needed for holistic development of child.

⁴⁴⁹ Ibid

Table 41 Number of Aided schools in urban area with computers and internet facility

Year	Total No of Aided schools	No of Aided Schools with Internet facilities	No of Aided Schools with Computer facilities
2014-15	119	79	100
2015-16	123	85	106
2016-17	122	84	107
2017-18	124	98	112
2018-19	114	90	106
2019-20	115	90	109
2020-21	114	87	108
2021-22	123	101	122



Source: UDISE⁴⁵⁰

Figure 38 Number of Aided schools in urban area with computers and internet facility

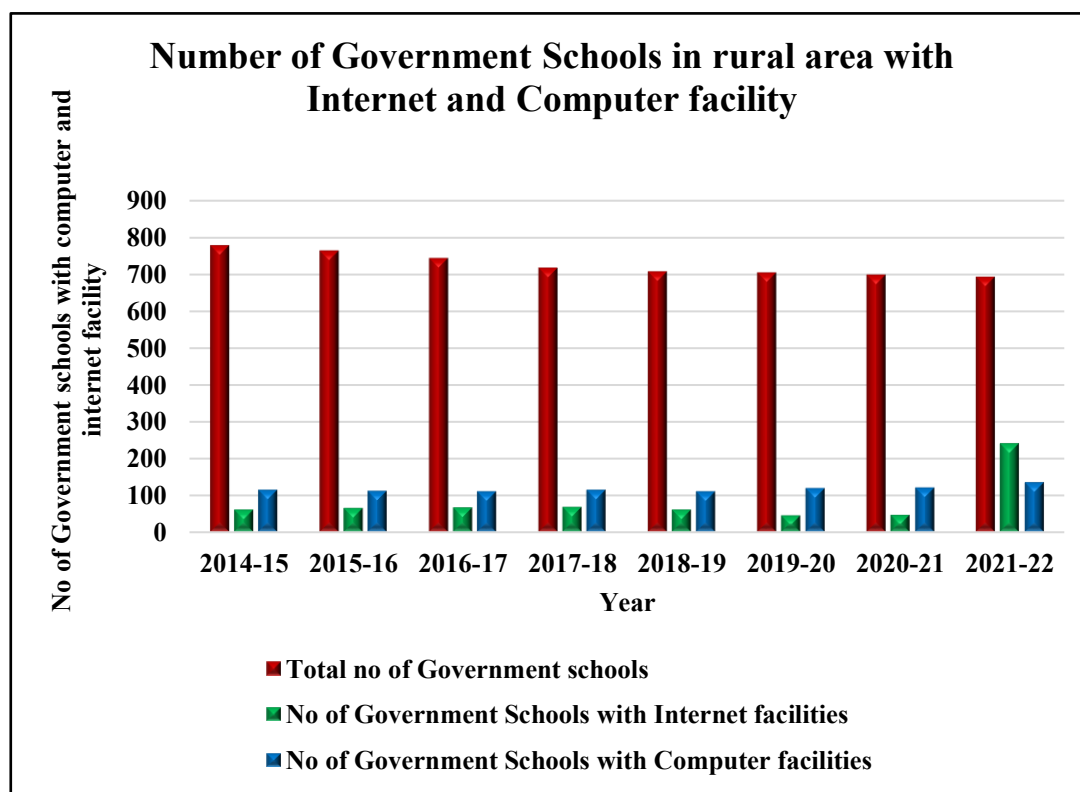
Table 41 and Figure 38 present data on the availability of computer and internet facilities in aided schools in urban areas of Goa from 2014-15 to 2021-22. The situation in urban areas is notably better compared to rural areas, with only a few schools lacking computers for the year 2021. However, the availability of internet facilities remains significantly lower, highlighting inadequate technological support for students.

Table 42 Number of Government schools in rural area with computers and internet facility

Year	Total no of Government schools	No of Government Schools with Internet facilities	No of Government Schools with Computer facilities
2014-15	778	61	114
2015-16	763	65	111
2016-17	743	66	110
2017-18	717	68	115
2018-19	707	61	110

⁴⁵⁰ Ibid

2019-20	704	45	119
2020-21	698	46	120
2021-22	692	241	135



Source: UDISE⁴⁵¹

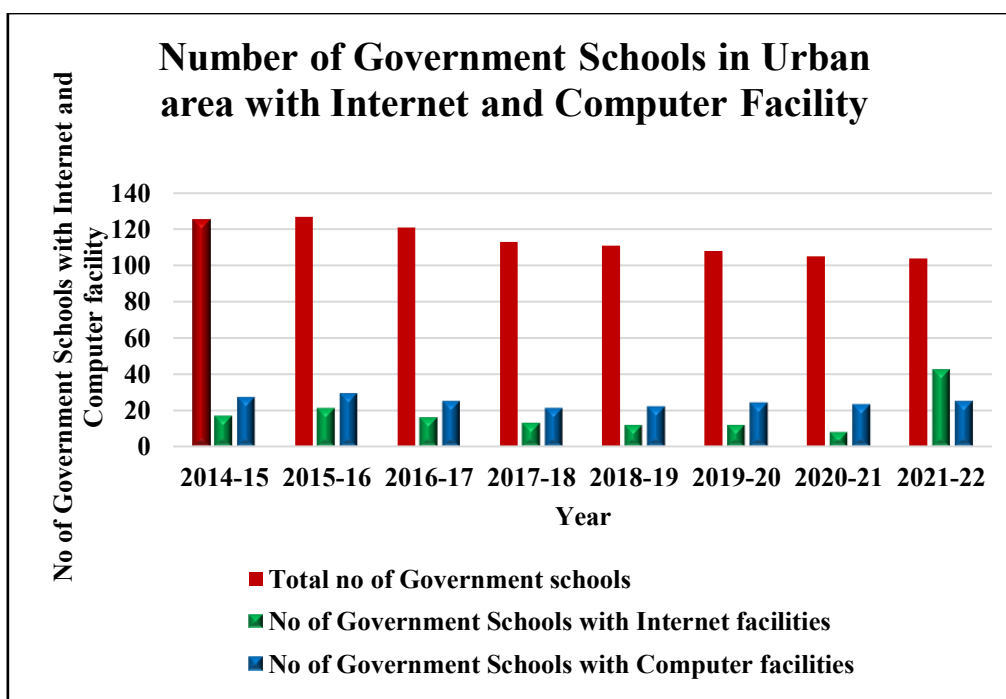
Figure 39 Number of Government schools in rural area with computers and internet facility

Table 42 and Figure 39 present data on the availability of computer and internet facilities in government schools in rural areas of Goa from 2014-15 to 2021-22. Statistics reveal a very dismal situation for the government schools with not even half of the schools having provision for computers or the internet facility. The number has not risen even post covid pandemic when the teaching was imparted through online mode.

⁴⁵¹ <https://udiseplus.gov.in/>

Table 43 Number of Government schools in urban area with computers and internet facility

Year	Total no of Government schools	No of Government Schools with Internet facilities	No of Government Schools with Computer facilities
2014-15	125	17	27
2015-16	127	21	29
2016-17	121	16	25
2017-18	113	13	21
2018-19	111	12	22
2019-20	108	12	24
2020-21	105	8	23
2021-22	104	42	25



Source: UDISE⁴⁵²

Figure 40 Number of Government schools in urban area with computers and internet

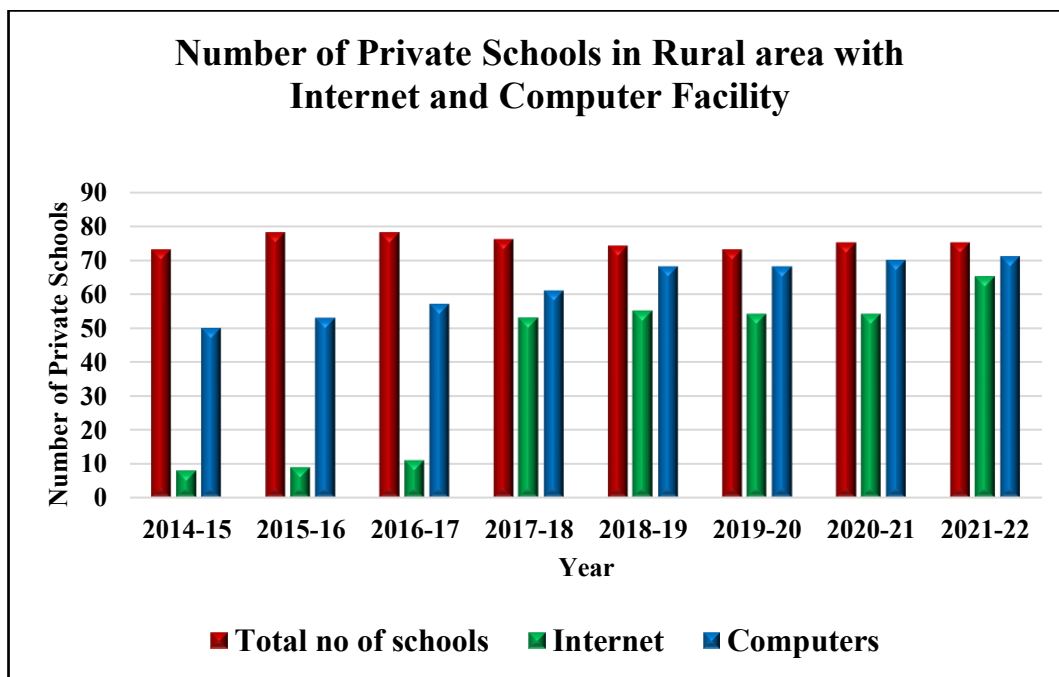
Table 43 and Figure 40 present data on the availability of computer and internet facilities in government schools in urban areas of Goa from 2014-15 to 2021-22. Statistics reveal a very similar trend as seen in government schools in rural areas, with not even half of the schools having provision for computers or the internet facility. The number has however risen in the year 2021.

Table 44 Number of Private schools in rural area with computers and internet Facility

Year	Total no of schools	Internet	Computers
2014-15	73	8	50
2015-16	78	9	53
2016-17	78	11	57
2017-18	76	53	61

⁴⁵² Ibid

2018-19	74	55	68
2019-20	73	54	68
2020-21	75	54	70
2021-22	75	65	71



Source: UDISE⁴⁵³

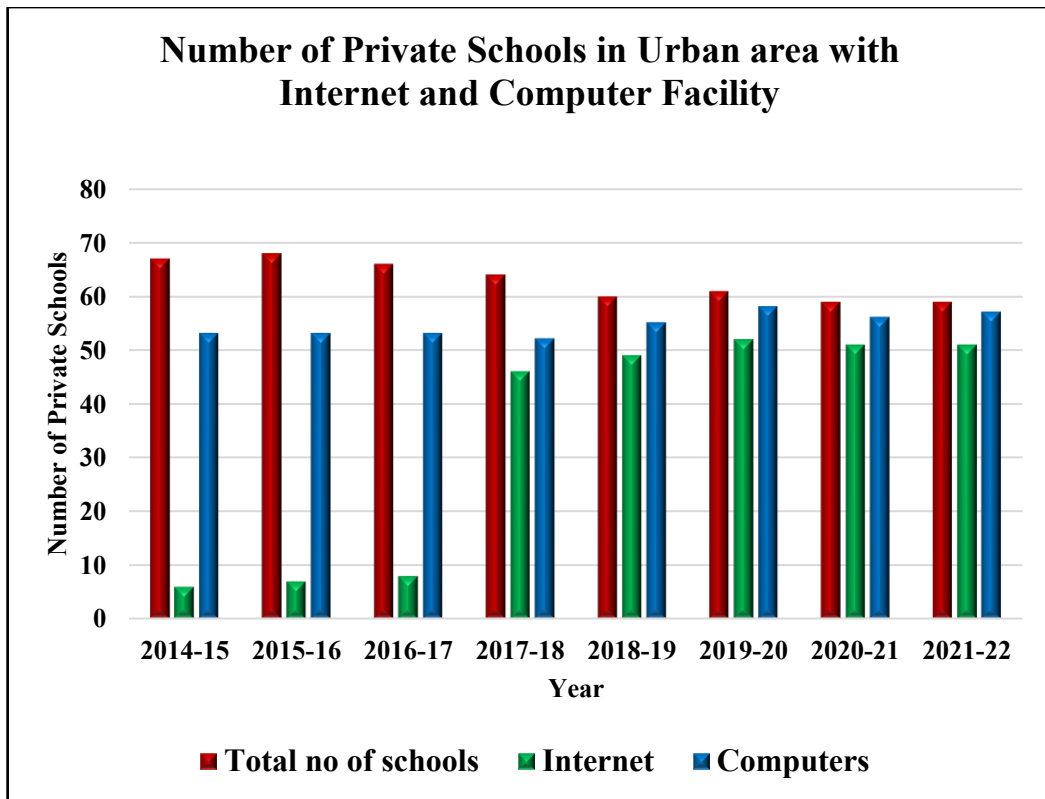
Figure 41 Number of Private schools in rural area with computers and internet

Table 44 and Figure 41 present data on the availability of computer and internet facilities in Private schools in rural areas of Goa from 2014-15 to 2021-22. Initially very few schools had facility of computers and internet. However, the number has risen in recent years especially after Covid pandemic. However, till 2021-22, cent percent schools do not have internet and computer facility.

⁴⁵³ Ibid

Table 45 Number of Private schools in urban area with computers and internet Facility

Year	Total no of schools	Internet	Computers
2014-15	67	6	53
2015-16	68	7	53
2016-17	66	8	53
2017-18	64	46	52
2018-19	60	49	55
2019-20	61	52	58
2020-21	59	51	56
2021-22	59	51	57



Source: UDISE⁴⁵⁴

Figure 42 Number of Private schools in urban area with computers and internet Facility

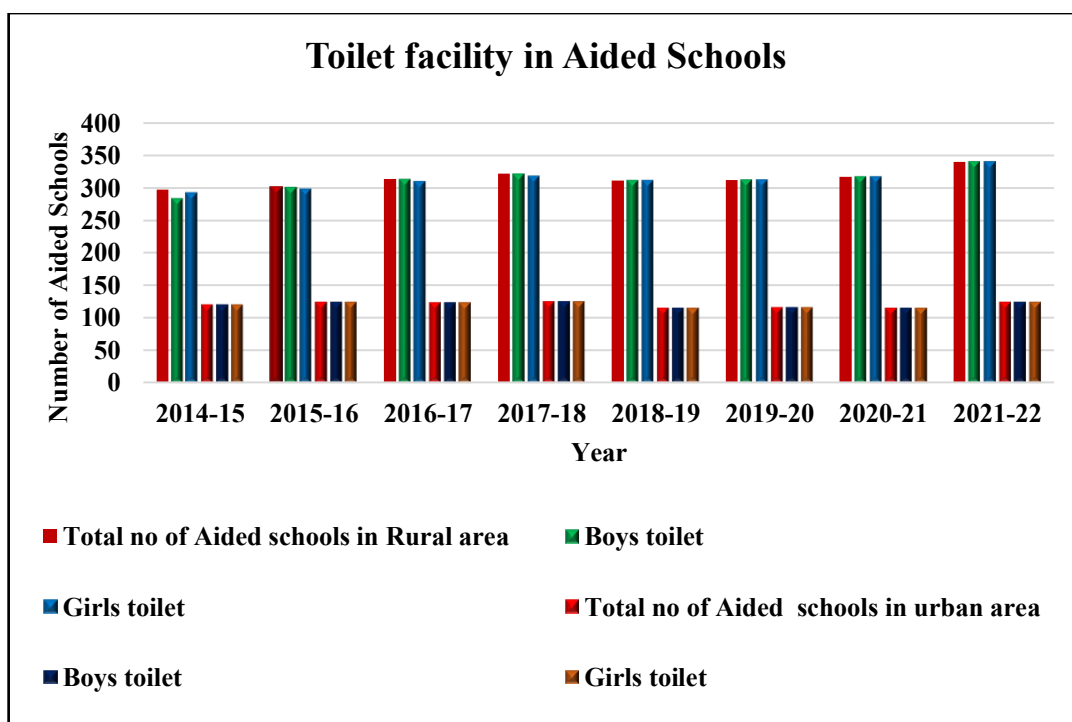
Table 45 and Figure 42 present data on the availability of computer and internet facilities in Private schools in urban areas of Goa from 2014-15 to 2021-22. Initially, very few private schools had internet and computer facility. However, the number has consistently risen since 2017-18 till 2021-22.

⁴⁵⁴ Ibid

4.9.6 Availability of Toilet facility

Table 46 Availability of toilet facility in Aided Schools

Year	Total no of Aided schools in Rural area	Boys toilet	Girls toilet	Total no of Aided schools in urban area	Boys toilet	Girls toilet
2014-15	297	283	292	119	119	119
2015-16	302	301	298	123	123	123
2016-17	314	313	310	122	122	122
2017-18	322	321	318	124	124	124
2018-19	311	311	311	114	114	114
2019-20	312	312	312	115	115	115
2020-21	317	317	317	114	114	114
2021-22	340	340	340	123	123	123



Source: UDISE⁴⁵⁵

Figure 43 Availability of toilet facility in Aided Schools

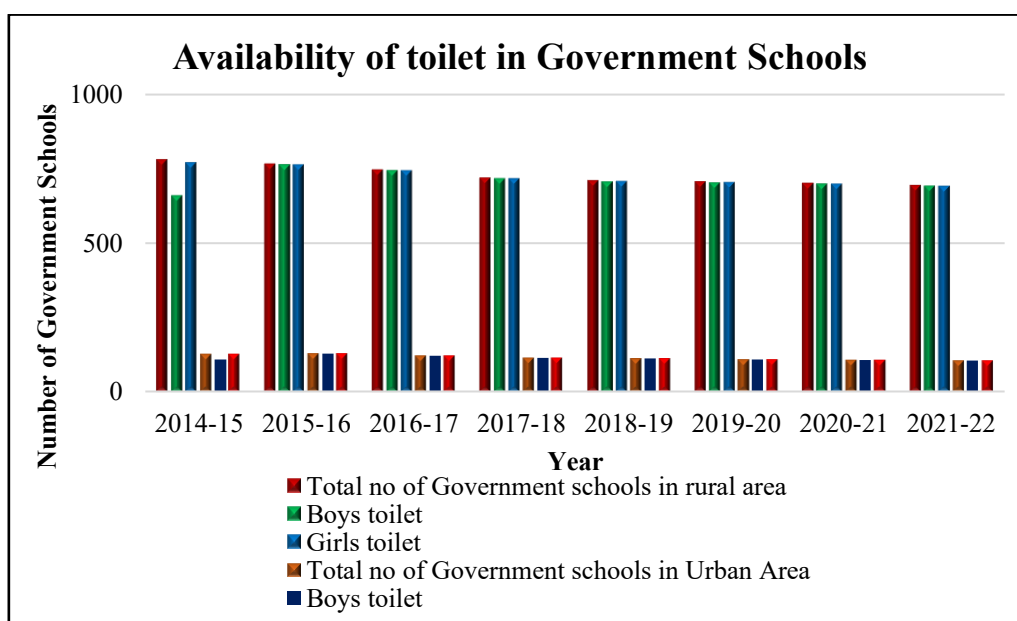
Table 46 and Figure 43 present data on the availability of toilet facilities in Aided schools in rural and urban areas of Goa from 2014-15 to 2021-22. All the Aided schools have provision for boys and girl's toilet.

Table 47 Availability of toilet facility in Government Schools

Year	Total no of Government schools in rural area	Boys toilet	Girls toilet	Total no of Government schools in Urban Area	Boys toilet	Girls toilet
2014-15	778	660	770	125	108	125
2015-16	763	763	763	127	127	127

⁴⁵⁵ Ibid

2016-17	743	743	743	121	121	121
2017-18	717	717	717	113	113	113
2018-19	707	706	707	111	111	111
2019-20	704	702	704	108	108	108
2020-21	698	698	698	105	105	105
2021-22	692	692	692	104	104	104



Source: UDISE⁴⁵⁶

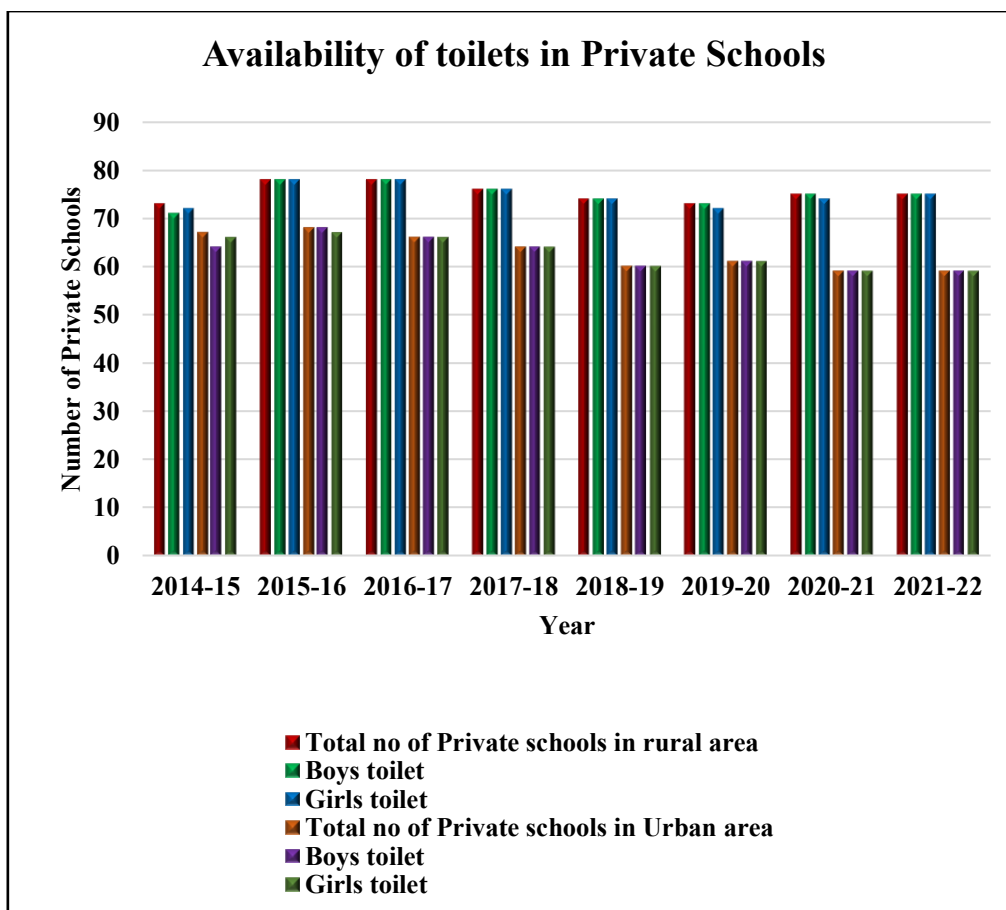
Figure 44 Availability of toilet facility in Government Schools

⁴⁵⁶ Ibid

Table 47 and Figure 44 present data on the availability of toilet facilities in Government schools in rural and urban areas of Goa from 2014-15 to 2021-22. Initially few schools did not have provision for toilets, however from 2015-16 all the government schools have provision for boys and girl's toilet.

Table 48 Availability of toilet facility in Private Schools

Year	Total no of Private schools in rural area	Boys toilet	Girls toilet	Total no of Private schools in Urban area	Boys toilet	Girls toilet
2014-15	73	71	72	67	64	66
2015-16	78	78	78	68	68	67
2016-17	78	78	78	66	66	66
2017-18	76	76	76	64	64	64
2018-19	74	74	74	60	60	60
2019-20	73	73	72	61	61	61
2020-21	75	75	74	59	59	59
2021-22	75	75	75	59	59	59



Source: UDISE⁴⁵⁷

Figure 45 Availability of toilet facility in Private Schools

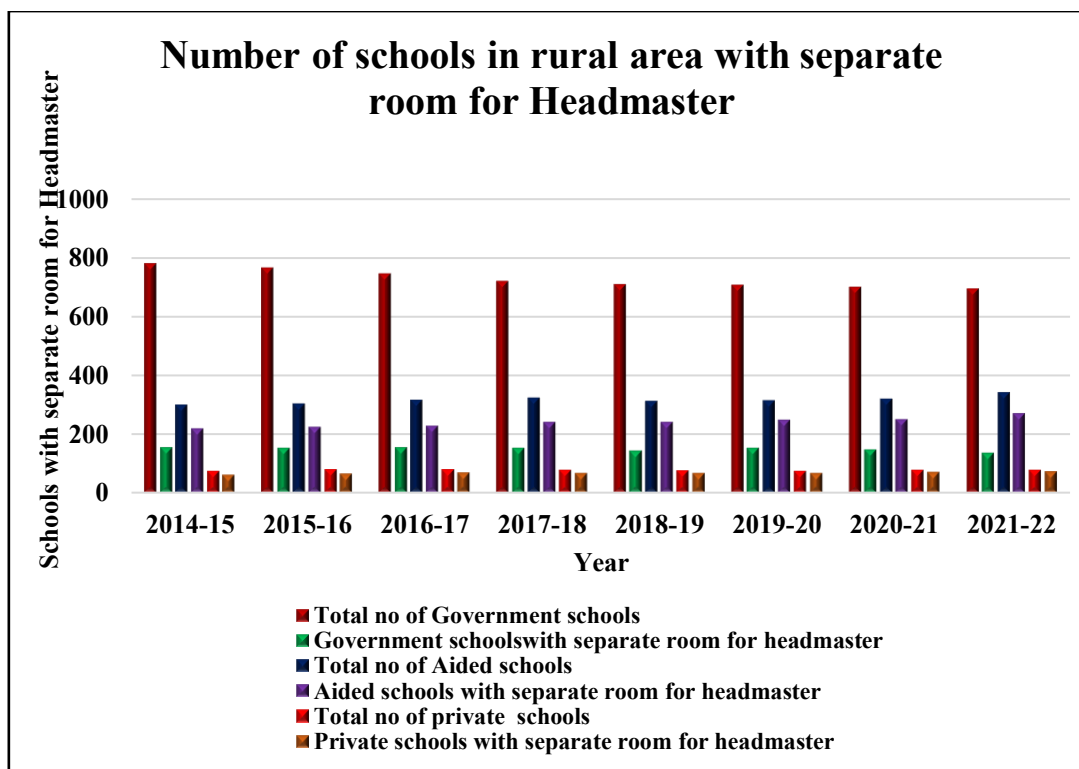
Table 48 and Figure 45 present data on the availability of toilet facilities in Private schools in rural and urban areas of Goa from 2014-15 to 2021-22. All the Private schools have provision for boys and girl's toilet.

⁴⁵⁷ Ibid

4.9.7 Separate room for the Headmasters

Table 49 Number of schools in rural area with separate room for the Headmasters

Year	Total no of Govt schools	Govt schools with separate room for the headmaster	Total no of Aided schools	Aided schools with separate room for the headmaster	Total no of private schools	Private schools with separate room for headmaster
2014-15	778	151	297	215	73	57
2015-16	763	148	302	221	78	62
2016-17	743	151	314	225	78	65
2017-18	717	148	322	237	76	64
2018-19	707	139	311	237	74	64
2019-20	704	148	312	244	73	64
2020-21	698	143	317	246	75	67
2021-22	692	132	340	267	75	68



Source: UDISE⁴⁵⁸

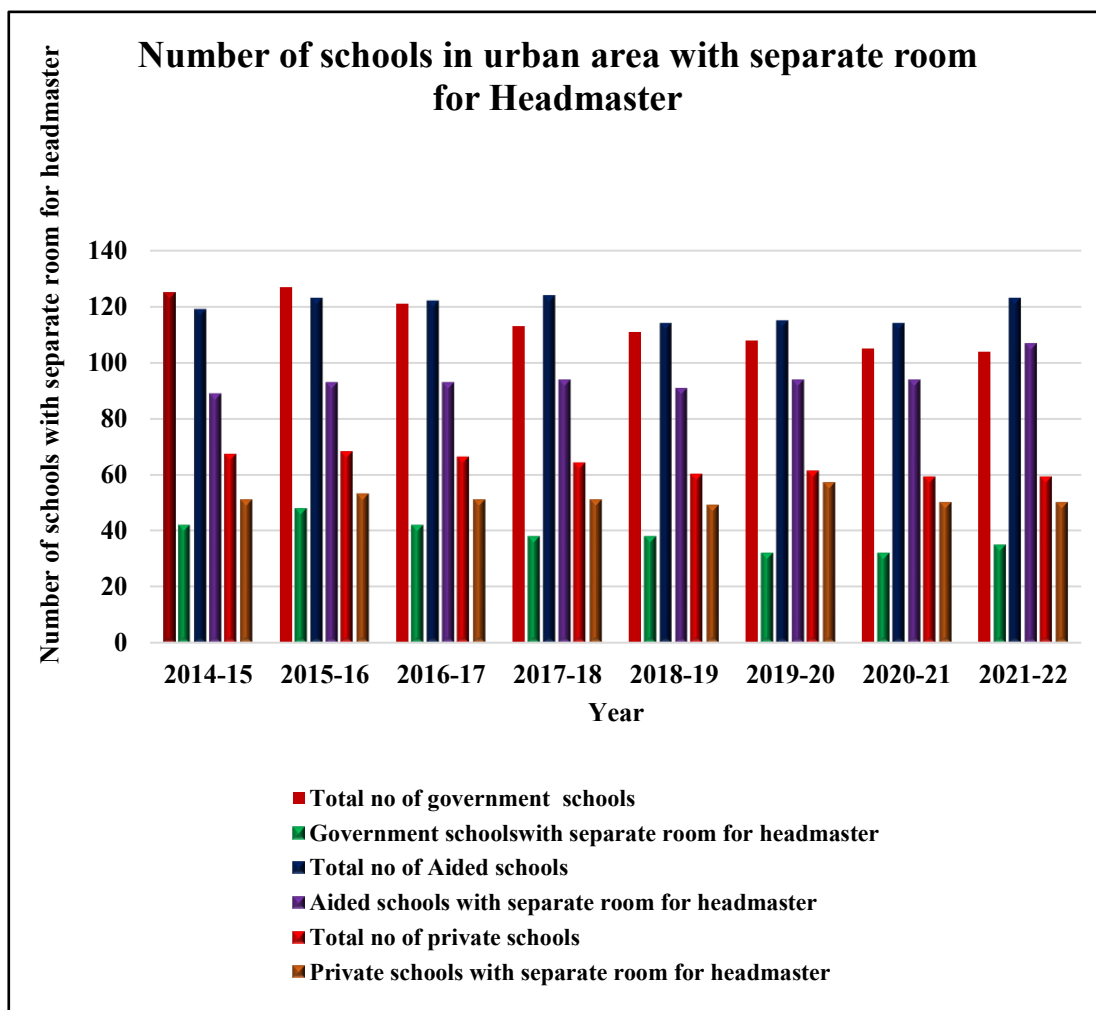
Figure 46 Number of schools in rural area with separate room for the Headmasters

Table 49 and Figure 46 present data on the availability of separate room for headmasters in schools across various management types in rural areas of Goa from 2014-15 to 2021-22. Till 2021, 3/4th government schools still do not have provision for separate room for headmaster, a norm which is mandatory under the RTE Act, 2009. Similarly, many of the aided and private school lack a separate room for the headmaster although the number is much less compared to the total number of schools.

⁴⁵⁸ <https://udiseplus.gov.in/>

**Table 50 Number of schools in urban area with separate room for the
Headmasters**

Year	Total no of Govt schools	Govt schools with separate room for the school Headmaster	Total no of Aided school	Aided schools with separate room for the school Headmaster	Total no of private schools	Private schools with separate room for the school Headmaster
2014-15	125	42	119	89	67	51
2015-16	127	48	123	93	68	53
2016-17	121	42	122	93	66	51
2017-18	113	38	124	94	64	51
2018-19	111	38	114	91	60	49
2019-20	108	32	115	94	61	57
2020-21	105	32	114	94	59	50
2021-22	104	35	123	107	59	50



Source: UDISE⁴⁵⁹

Figure 47 Number of schools in urban area with separate room for the headmasters

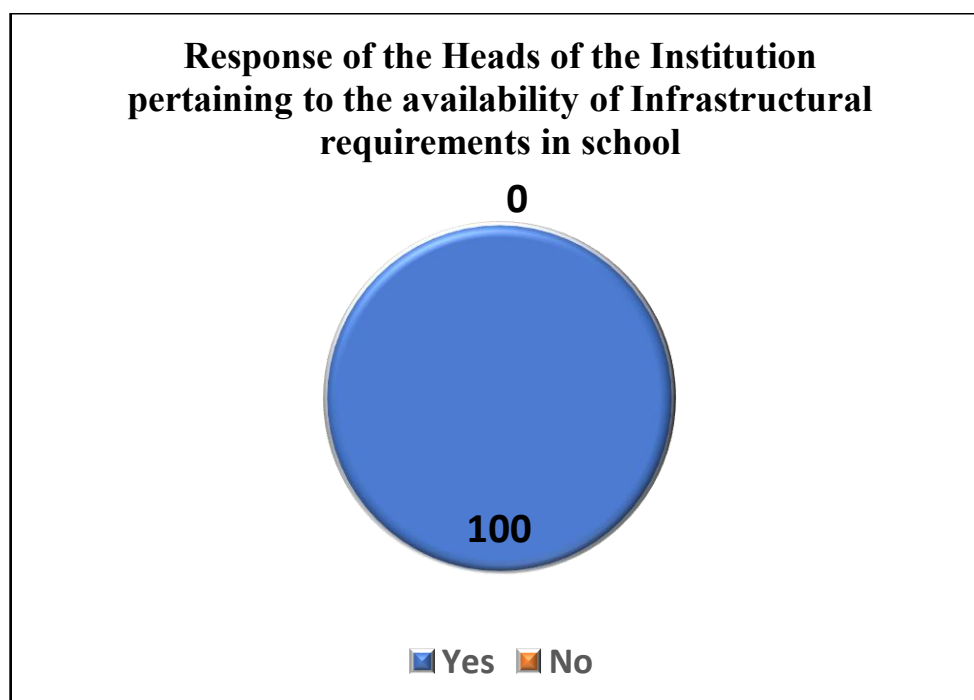
Table 50 and Figure 47 present data on the availability of separate room for the headmasters in schools across various management types in urban areas of Goa from 2014-15 to 2021-22. In urban areas also similar to rural areas, majority of the government schools do not have provision for separate room for the headmasters. Aided and private schools are comparatively placed in a better position since only few do not have the concerned facility.

⁴⁵⁹ Ibid

4.9.8 Empirical analysis of the data collected through the questionnaires

4.9.9 Availability of infrastructural facilities

a. Heads of the Institution

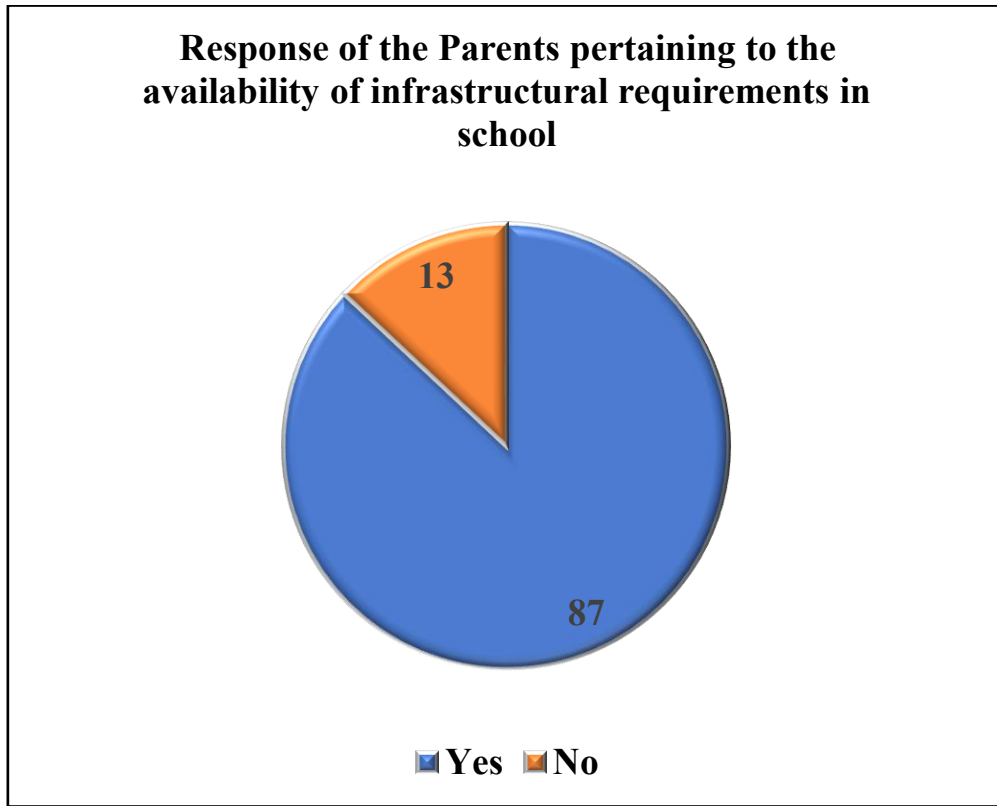


Source: Primary

Figure 48 Response of the Heads of the Institution pertaining to the availability of Infrastructural requirements in school

Figure 48 indicates the response of the Heads of the institution pertaining to the availability of infrastructural requirements in school. All the Heads of Institution agreed to the availability of all the infrastructural requirements in the school in the nature of playground, toilets, drinking water, electricity, computers, and library. Heads of the Institutions confirmed the availability of teaching-learning equipment, play and sports materials in the school. Teaching learning materials included models, charts, maps, computers, LCD T.V, projectors etc.

b. Parents

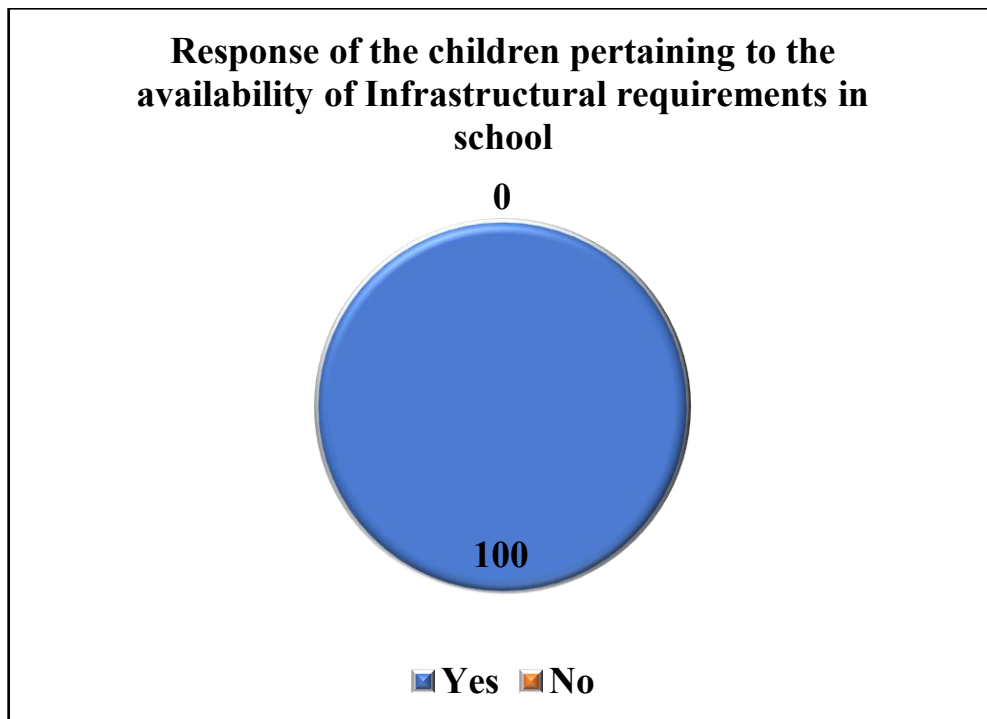


Source: Primary

Figure 49 Response of the Parents pertaining to the availability of Infrastructural requirements in school

Figure 49 indicates the response of the Parents pertaining to the availability of infrastructural requirements in school. Around 87% of the parents agreed as to the availability of necessary infrastructure in the school. However, 13% of the parents differed in their opinion. Majority of the schools where the parents differed in their opinion belonged to the rural areas and were government schools. They opined that their school lacked basic technological advancements in the nature of LED TV, internet facility, usage of advance tools for learning, playground etc. In all the schools there was provision for toilets, separately for the staff and the students and also separately for girls and boys. All the schools had facilities for safe drinking water and electricity for the children.

c. Children



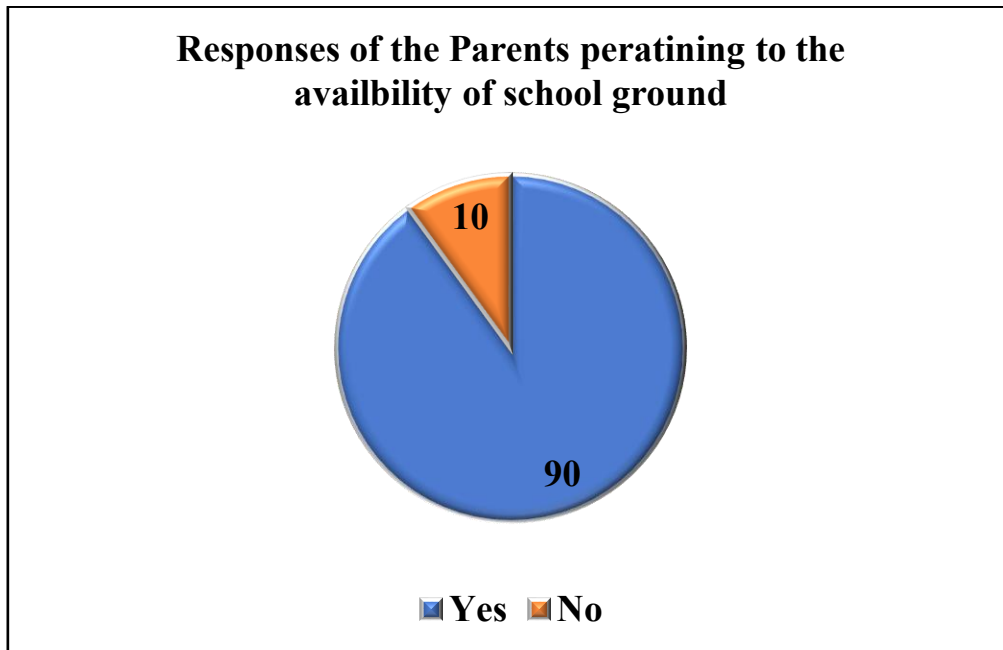
Source : Primary

Figure 50 Response of the children pertaining to the availability of Infrastructural requirements in school

Figure 50 indicates the response of the children pertaining to the availability of infrastructural requirements in school. Cent percent children agreed to the availability of infrastructure in their schools when questioned about availability of playground, toilets, drinking water, electricity, computers, and library.

4.9.10 Availability of Playground

a. Parents

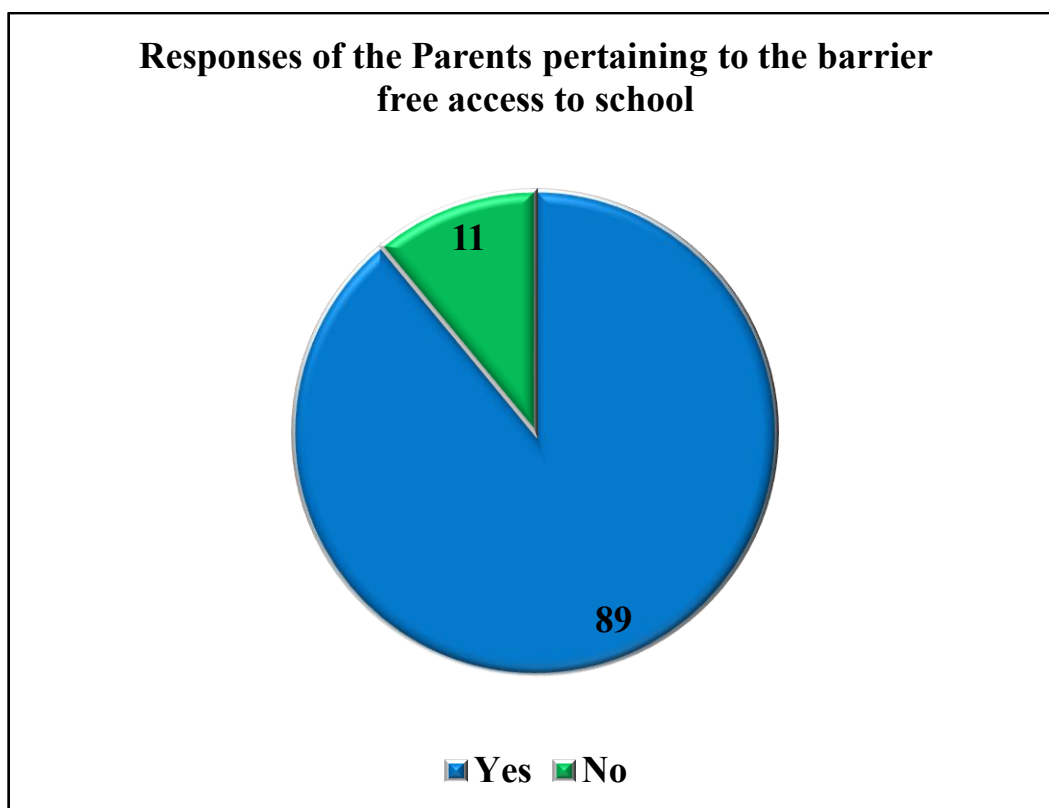


Source: primary

Figure 51 Responses of the Parents pertaining to the availability of school ground

Figure 51 indicates the response of the parents pertaining to the availability of the school ground. 90% of the parents agreed to the availability playground attached to the school. While the remaining 10% opined that school did not have any playground for the children to play. These schools which did not have playground belonged to the urban area and mostly belonged to the aided schools.

4.9.11 Barrier free access



Source: primary

Figure 52 Responses of the Parents pertaining to the barrier free access to school

Figure 52 indicates the response of the parents pertaining to the availability of the school ground. 89% of the parents opined that the schools have barrier-free access for children. The remaining 11% of schools, mostly from rural areas, did not have proper transport facilities; as such, children had to walk long distances, especially on highways, to school, raising concerns about the safety and security of the children. In addition to it, 92% of the parents confirmed that the school had a boundary wall, which was a pucca wall(permanent).

4.9.12 Observations during the field study

During the field study, the Researcher noticed that the majority of the schools did not have proper space for playgrounds. A very small area was designated as a school ground on paper which was not suitable to play any sports. When questioned about the small space, Heads of the Institution opined that RTE Act,2009 specifies presence of

playground without any area specifications. Secondly, it was observed that the toilets in some of the schools were in dismal condition. Moreover schools had just most of the schools had just two toilets each for boys and girls with the total strength of around 250 – 300 students in school. One government school visited as part of the field study was in a collapsible state, posing a danger to the lives of children and staff. Very few schools had provision only for ramps and handrails, with none of the schools possessing special equipment to aid in the learning process for CWSN and to promote inclusive education. Some of the schools in rural areas did not have boundary walls, posing a danger to children. Many schools did not have provision for firefighting equipment's as mandated under manual for safety of schools. Similarly, the majority of the government schools did not have the modern teaching aids and technology necessary to make learning enjoyable for the children. The majority of the schools did not have a proper library equipped with a wide range of books.

4.10 Inclusive Education

Education has an important role in shaping the future of a country and its countrymen. As the largest democracy in the world, India needs to invest in the educational sector to lay the foundation for overall success and development. Primary education refers to the educational bracket between 6 years and 14 years of age. It is a significantly important phase in the development of human beings and is consequently recognized as a basic human right.

Predominantly, Inclusive education is associated with the right to education of children with disabilities. It is based on the notion of giving all the children the opportunity to learn together, irrespective of their differences. It seeks to combat differences by promoting respect and value for diversity in a unified environment.

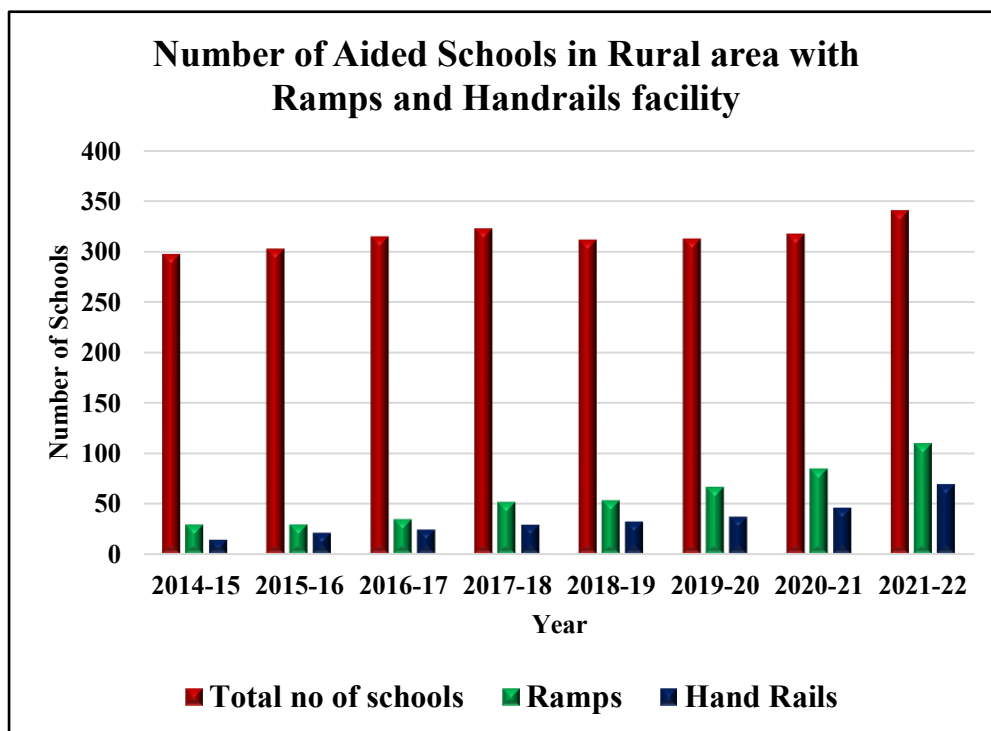
Under the RTE Act, 2009, the definition of the word 'child' includes children with disability and equally enjoys right to free and compulsory elementary education along with the mainstream. Only children with multiple disabilities and severe disabilities are given option to choose home based education. Inclusive education mandates adapting the school environment, infrastructure, learning pedagogies to suit the needs of the children with disabilities along with the mainstream children.

In the present research, Researcher attempted to verify the institutional preparedness to provide holistic inclusive education to CWSN in Goa.

4.10.1 School with ramps and handrails facility

Table 51 Number of Aided schools in rural area with Ramps and Handrails facility

Year	Total no of schools	Ramps	Hand Rails
2014-15	297	29	14
2015-16	302	29	21
2016-17	314	34	24
2017-18	322	51	29
2018-19	311	53	32
2019-20	312	66	37
2020-21	317	84	46
2021-22	340	109	69



Source: UDISE⁴⁶⁰

Figure 53 Number of Aided schools in rural area with Ramps and Handrails facility

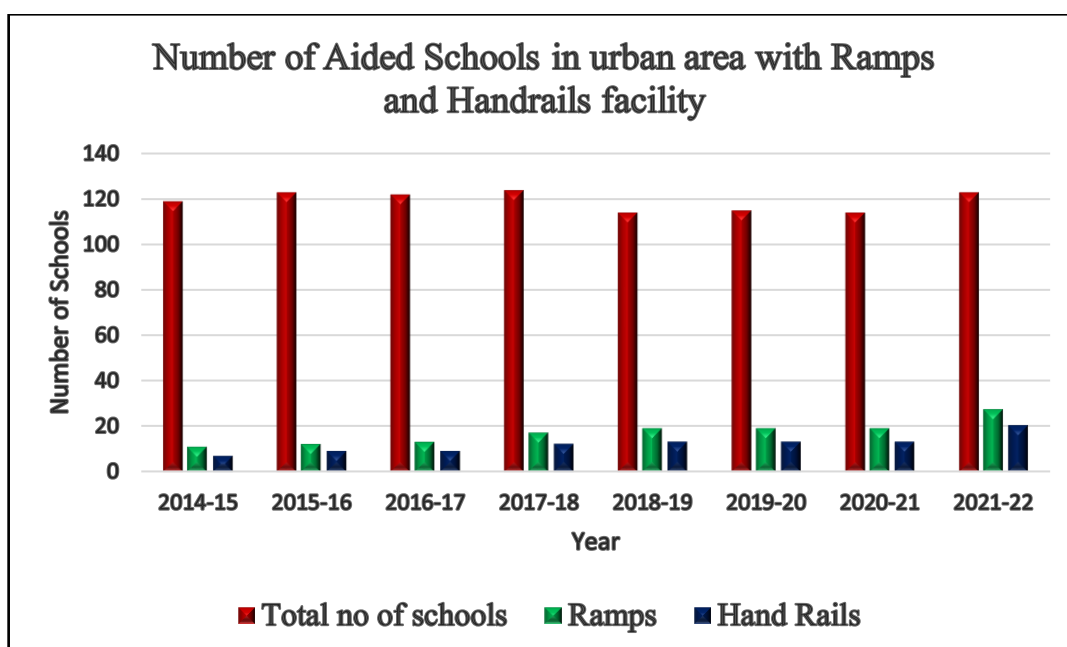
Table 51 and Figure 53 indicate the availability of ramps and handrails facility in aided schools in rural area from the year 2014-15 till 2021-22. It clearly shows that very minimal number of schools have the facility of handrails and ramps which is a basic need to promote inclusive education. Although there has been increase in the number of schools with the facility, yet the rise is not in correlation with the number of schools.

Table 52 Number of Aided schools in urban area with Ramps and Handrails facility

Year	Total no of schools	Ramps	Hand Rails
2014-15	119	11	7
2015-16	123	12	9

⁴⁶⁰ Ibid

2016-17	122	13	9
2017-18	124	17	12
2018-19	114	19	13
2019-20	115	19	13
2020-21	114	19	13
2021-22	123	27	20



Source: UDISE⁴⁶¹

Figure 54 Number of Aided schools in urban area with Ramps and Handrails facility

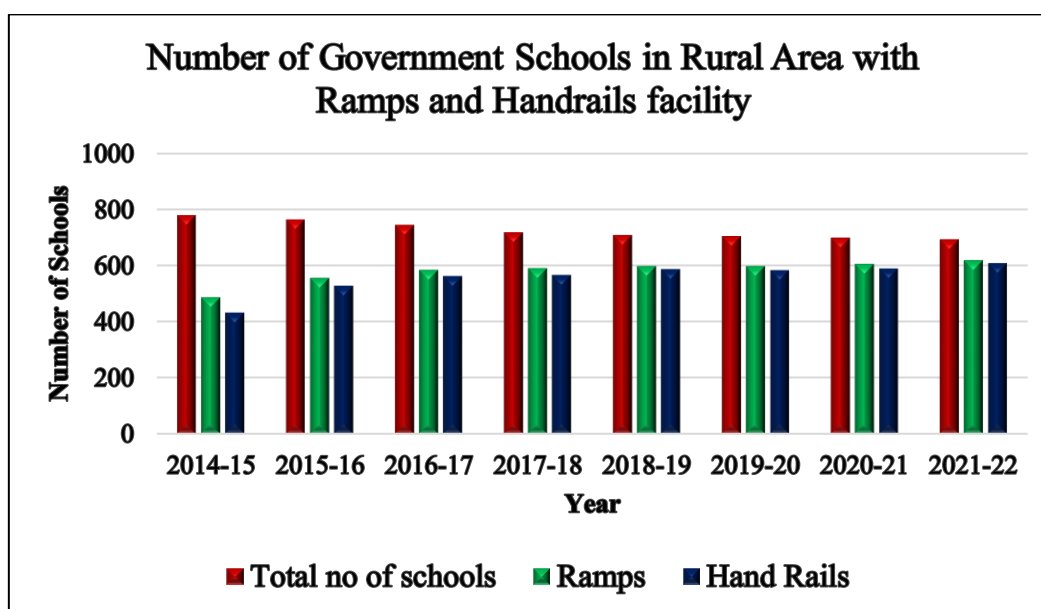
Table 52 and Figure 54 denote the number of Aided Schools in Urban Areas with the facility of Ramps and Handrails from the year 2014-15 till 2021-22. There is not much difference between rural and urban area in terms of availability of ramps and handrails.

⁴⁶¹ Ibid

It clearly shows that very minimal number of schools have the facility of handrails and ramps.

Table 53 Number of Government schools in rural area with Ramps and Handrails facility

Year	Total no of schools	Ramps	Hand Rails
2014-15	778	484	429
2015-16	763	554	524
2016-17	743	582	559
2017-18	717	587	562
2018-19	707	596	583
2019-20	704	595	580
2020-21	698	602	586
2021-22	692	617	604



Source: UDISE⁴⁶²

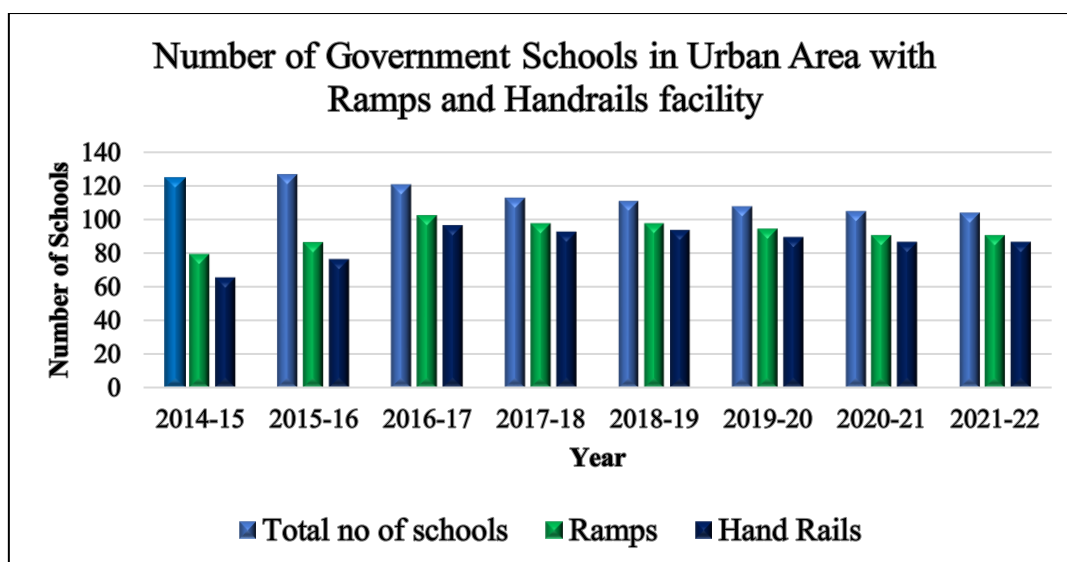
⁴⁶² Ibid

Figure 55 Number of Government schools in rural area with Ramps and Handrails facility

Table 53 and Figure 55 illustrate the total number of government schools in rural areas equipped with ramps and handrails. While government schools significantly outnumber aided schools in providing these facilities, the goal of universal access has not yet been achieved. Notably, although ramps are more commonly available, the provision of handrails remains less widespread in government schools.

Table 54 Number of Government schools in urban area with Ramps and Handrails facility

Year	Total no of schools	Ramps	Hand Rails
2014-15	125	79	65
2015-16	127	86	76
2016-17	121	102	96
2017-18	113	97	92
2018-19	111	97	93
2019-20	108	94	89
2020-21	105	90	86
2021-22	104	90	86



Source: UDISE⁴⁶³

Figure 56 Number of Government schools in urban area with Ramps and Handrails facility

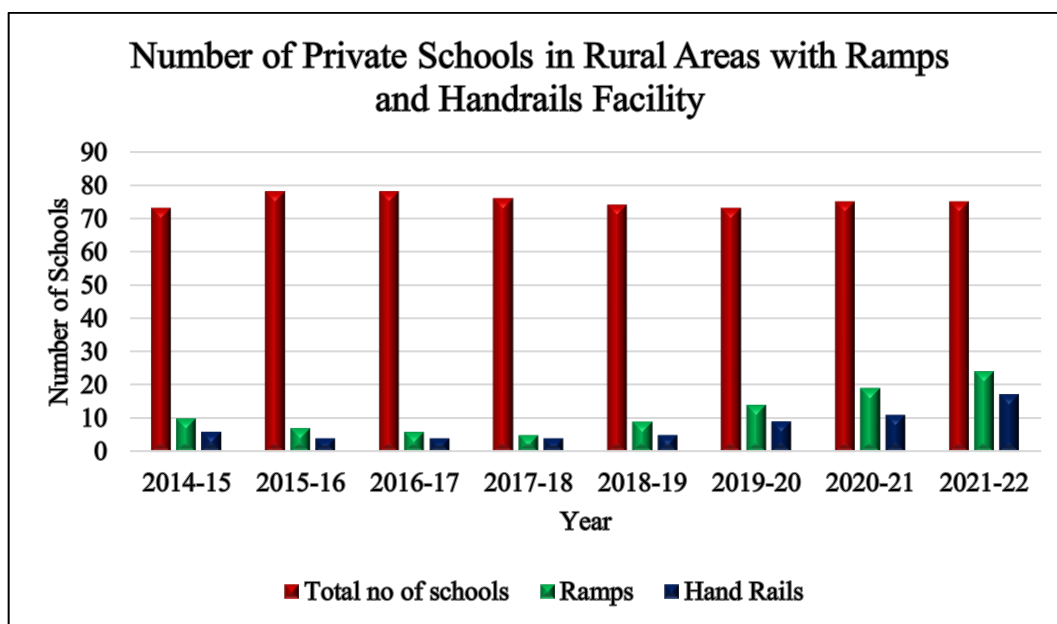
Table 54 and Figure 56 indicates the number of Government Schools in urban areas with the facility of handrails and Ramps from the year 2014-15 till 2021-22. Although large number of schools have the facility, yet in none of the years, 100% schools have made the facility available to children. There is continual rise in the number of schools along with the facility. The situation in government schools with regard to the facility is better compared to the aided schools.

Table 55 Number of Private schools in rural area with Ramps and Handrails facility

Year	Total no of schools	Ramps	Hand Rails
2014-15	73	10	6
2015-16	78	7	4
2016-17	78	6	4
2017-18	76	5	4

⁴⁶³ Ibid

2018-19	74	9	5
2019-20	73	14	9
2020-21	75	19	11
2021-22	75	24	17



Source: UDISE⁴⁶⁴

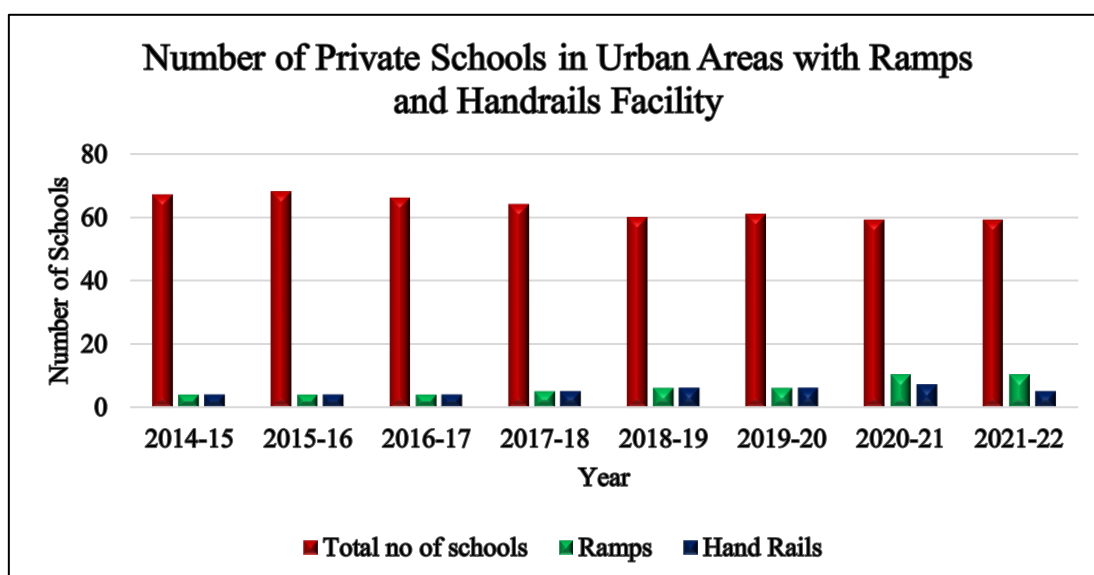
Figure 57 Number of Private schools in rural areas with Ramps and Handrails facility

Table 55 and Figure 57 present the number of private schools in rural areas equipped with ramps and handrails from 2014-15 to 2021-22. While there has been a gradual increase over the years, the number of schools providing these facilities remains very low, and the overall growth has not been substantial.

⁴⁶⁴ Ibid

Table 56 Number of Private schools in urban areas with Ramps and Handrails facility

Year	Total no of schools	Ramps	Hand Rails
2014-15	67	4	4
2015-16	68	4	4
2016-17	66	4	4
2017-18	64	5	5
2018-19	60	6	6
2019-20	61	6	6
2020-21	59	10	7
2021-22	59	10	5



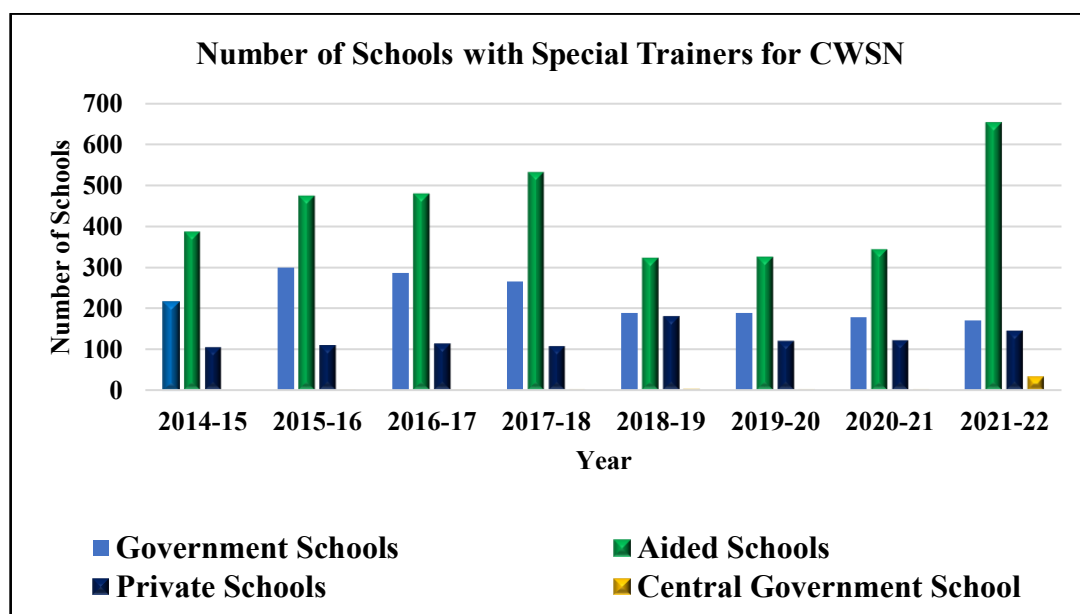
Source: UDISE⁴⁶⁵

⁴⁶⁵ Ibid

Figure 58 Number of Private schools in urban areas with Ramps and Handrails facility

Table 56 and Figure 58 indicate the number of private Schools in urban areas with the facility of handrails and Ramps from the year 2014-15 till 2021-22. Very few schools in this area provide the facility for ramps and handrails. Amongst all the three types of management school run in Goa, least number of private schools have the facility of ramps and handrails.

4.10.2 Availability of special trainers to promote Inclusive Education



Source: UDISE⁴⁶⁶

Figure 59 Number of schools with special trainers

Figure 59 reveals the number of schools according to the category of schools with special trainers for CWSN years. It can be seen that central government schools had special trainers only in the year 2021-22. Aided schools have the largest number of special trainers compared to government schools and private schools.

⁴⁶⁶ Ibid

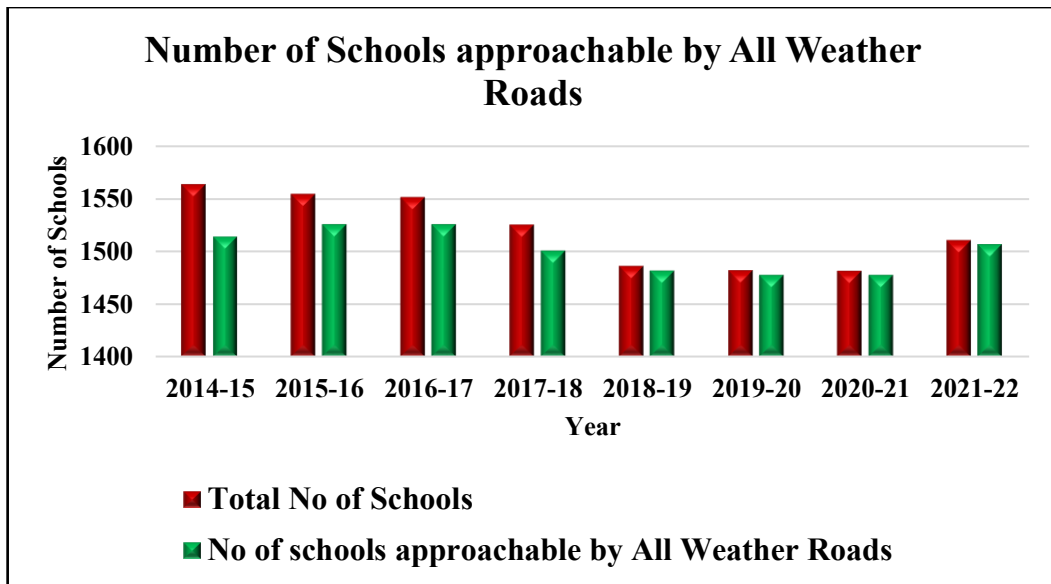
4.10.3 Accessibility of Schools

Schools approachable by All-weather Roads

The availability of schools necessitates that the schools are easily accessible and approachable to the children. According to The Goa Right of Children to Free and Compulsory Education Rules, 2012, Government or the local authority is required to establish schools by reducing the area limit as required under the RTE Act, 2009 so that it avoids any risk or dangers likely to cause to children on account of difficult terrain or any area subjected to the risk of landslides or floods.

Table 57 Number of schools approachable by All Weather roads

Year	Total No of Schools	No of schools approachable by All Weather Roads
2014-15	1563	1513
2015-16	1554	1525
2016-17	1551	1525
2017-18	1525	1500
2018-19	1486	1481
2019-20	1482	1477
2020-21	1481	1477
2021-22	1510	1506



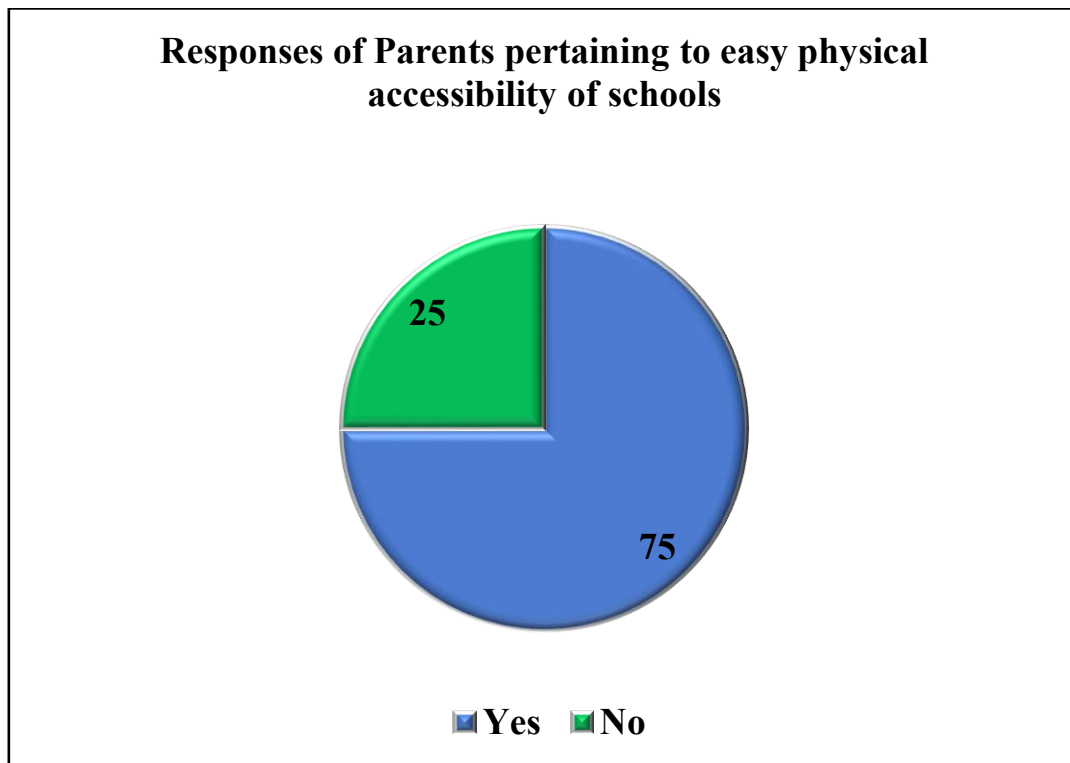
Source: UDISE⁴⁶⁷

Figure 60 Number of schools approachable by All Weather roads

Table 57 and Figure 60 indicates the total number of schools in Goa which are approachable by All Weather Roads from 2014-15 till 2021-22. Initially, in the year 2014- 15 till 2017 -18, all the schools were not accessible for the students in terms of roads. However, from 2018 onwards, it can be noticed that there has been an improvement in the number of schools which are accessible, with a minor difference of around 4 schools still not accessible.

⁴⁶⁷ Ibid

Empirical Analysis of the responses of Respondent No 3 pertaining to the easy approachability of the school by all-weather roads



Source: primary

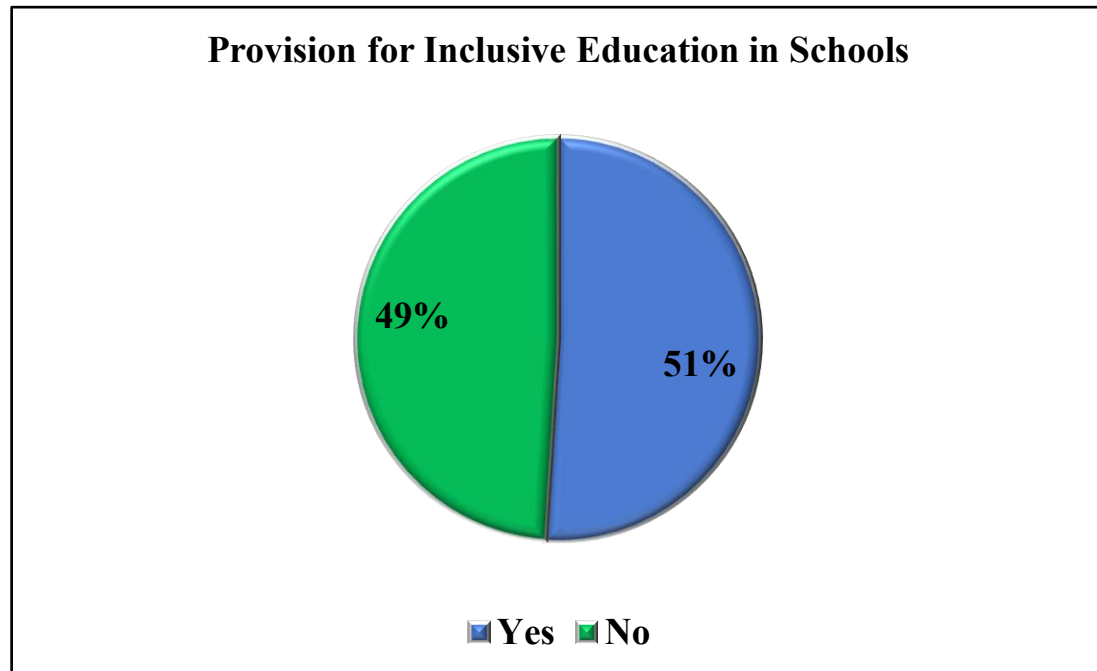
Figure 61 Responses of Parents pertaining to easy physical accessibility of schools

Figure 61 indicates the response of the parents pertaining to the easy physical accessibility of schools in Goa. Majority of the parents were of the opinion that the schools are easily approachable. They opined that there was proper transport facility, and no difficulties were encountered in terms of difficult terrain to reach schools. However, 25% of the parents were of the opinion that their children found it difficult to reach schools. These responses were of the parents from rural area.

The major reason attributed for difficult access to school has been lack of transport facility. This was seen in rural areas specially in Sanguem taluka where there was no proper transport facility, with only one bus plying in the concerned area. Further, the parents held that on account of lack of transport, children had to walk to schools everyday which caused lot of hardships to children. This put the children to further risk of accident as heavy motor vehicles ply in the concerned area.

4.10.4 Empirical analysis of the questionnaire

a. Availability of provisions required for Inclusive Education

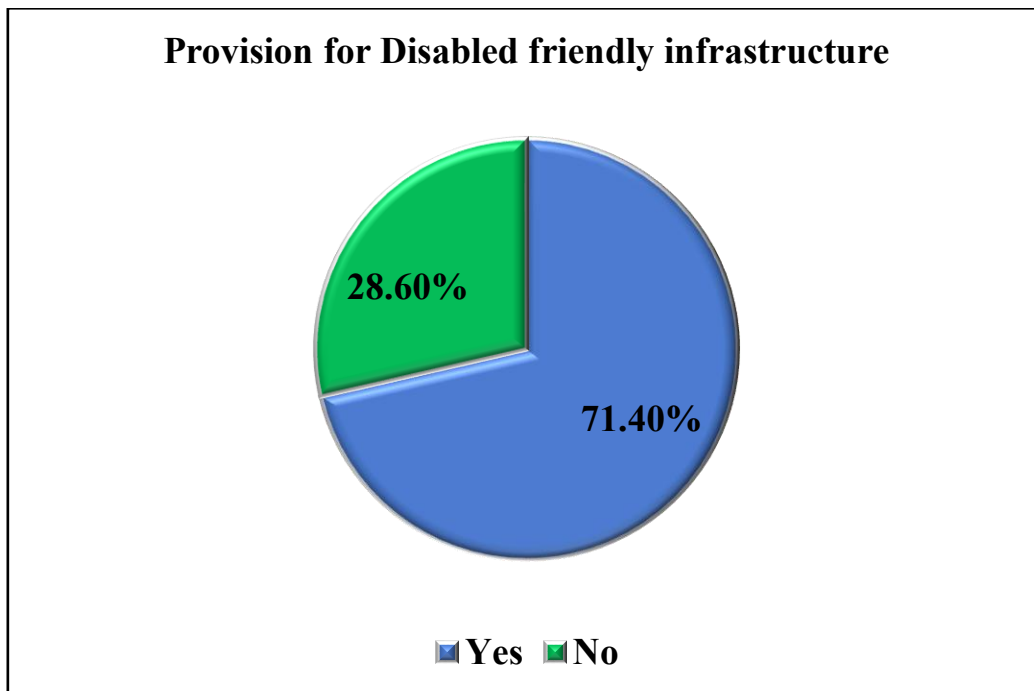


Source: Primary

Figure 62 Number of schools with availability of provisions required for Inclusive Education

Figure 62 indicate the response of the Heads of Institution pertaining to the availability of provisions required for Inclusive Education. 51% of schools categorically mentioned that they had all the provisions required for the purpose of Inclusive Education. Out of this 51%, 40% of schools belonged to the urban areas and were mostly aided schools, with the exception of 3% of schools which belonged to Government schools, and 8% of schools were within the purview of private management.

b. Provision for disabled friendly infrastructure



Source: primary

Figure 63 Number of schools with provision for disabled friendly infrastructure

Figure 63 indicate the number of schools with provision for disabled friendly infrastructure. In terms of disabled-friendly infrastructure, 71.4% of schools confirmed its presence; however, the remaining 28.6% of schools did not have the required provision. In the disabled friendly infrastructure, the Heads of the Institution highlighted the presence of wheelchair facility, Braille books, ramps and handrail facility.

c. Availability of special trainers

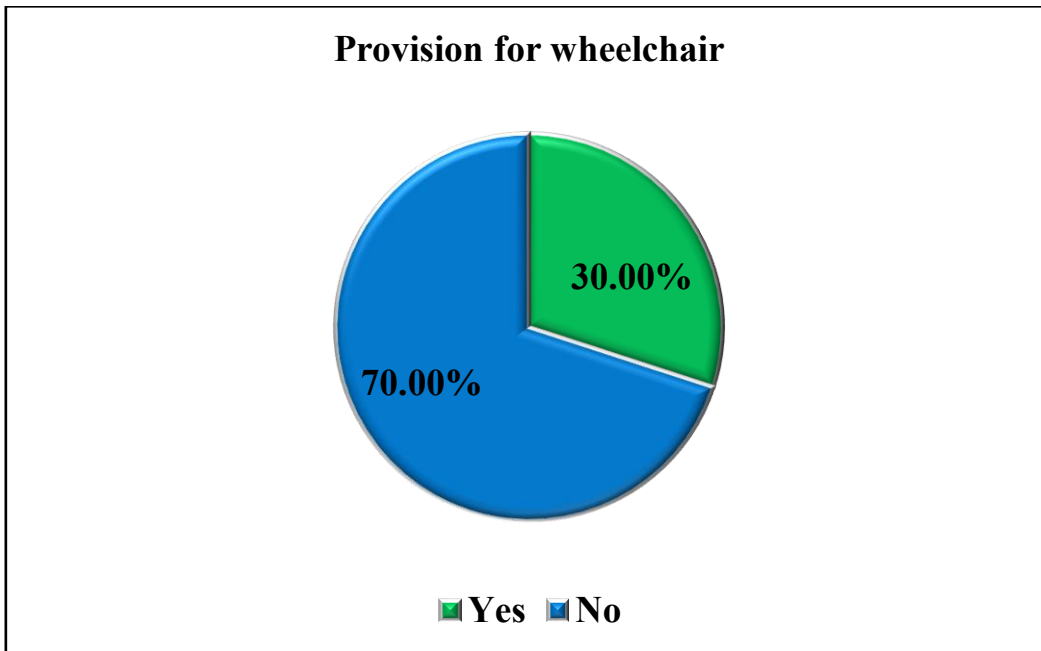


Source: Primary

Figure 64 Number of schools with special trainers

Figure 64 indicate the number of schools having special trainers in Goa for the purpose of education of CWSN. 80% of the schools did not have special trainers required to educate children with special needs. Most of the Heads of the Institutions opined that since they did not have any admission of CWSN, they had not applied for special trainers. One of the Headmaster held that since there were no special trainers in school, parents refused to admit CWSN in their school. Schools with CWSN held that in the absence of special trainers, CWSN found it difficult to adjust and learn in inclusive environment.

d. Provision for wheelchair

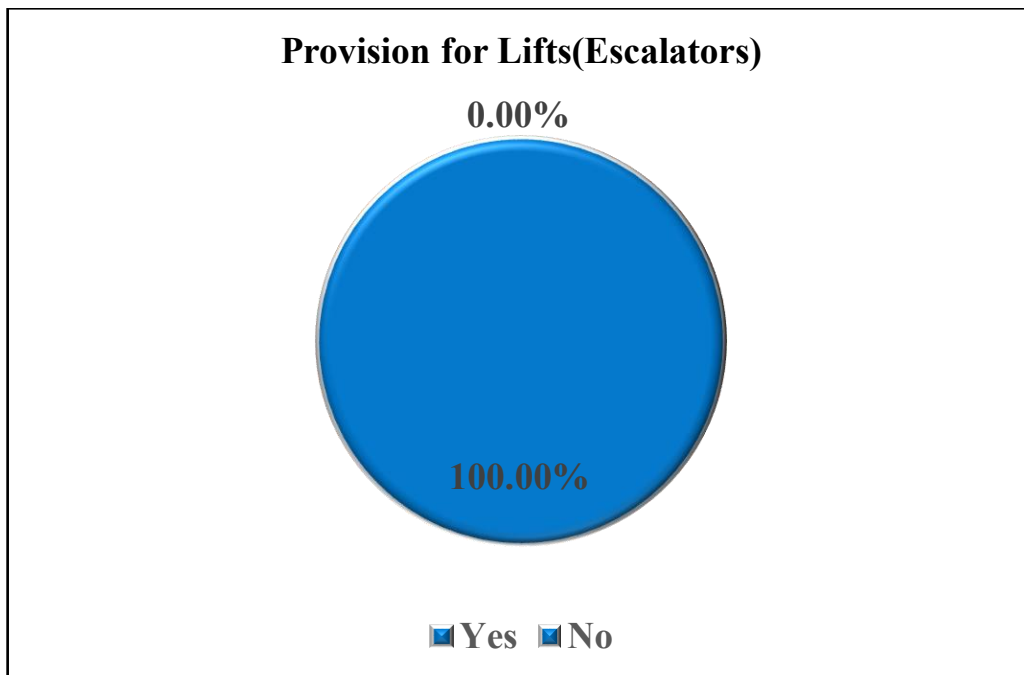


Source: Primary

Figure 65 Number of schools with provision for wheelchair

Figure 65 indicate the number if schools with wheelchair facility. Nearly 70% of schools did not have facility of wheelchair. Majority of the schools belonged to Aided category which did not have wheelchair facility. Headmasters were of the opinion that till date they did not find any need for wheelchair.

e. Provision for Lifts (Escalators)



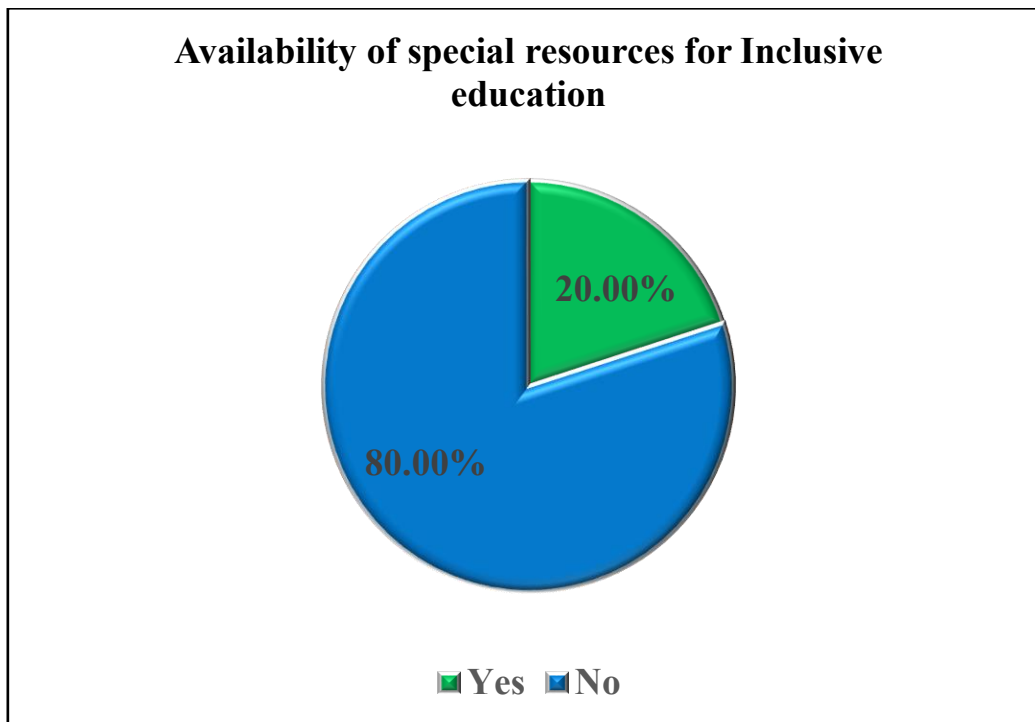
Source: Primary

Figure 66 Number of schools with provision for Lifts

Figure 66 indicate the total number of schools with provision for Lift (Escalators) facility. However none of the schools which were part of the empirical study had the provision for lift facility in the schools. Most of schools forming part of the empirical study were in a building structure comprising of three to four floors. In spite of this, none of the schools had the facility of Lifts.

When questioned, headmasters were of the opinion that either on account of financial constraints, on account of old structure or on account of paucity of space, it was not feasible to construct Lifts in the school. They further held that in the event of any difficulty for CWSN to climb the floors, the concerned class is shifted to the ground floor. However, laboratories could not be shifted to the ground floor thereby causing inconvenience to CWSN.

f. Availability of Special Resources for CWSN



Source: Primary

Figure 67 Number of schools with special resources for CWSN

Figure 67 indicates the total number of schools with special resources required for Inclusive education these resources included resource rooms, special book (Braille), special sports equipment's. As per the data collected, only 20% schools held that they had some of the resources mentioned. However, 80% of the schools categorically denied having any resources necessary for Inclusive Education.

Initially, as per Figure No 62 around 51% schools held that they had they had all the provisions pertaining to the Inclusive Education. However, when specifically questioned about the availability of special resources, 80% schools denied the same.

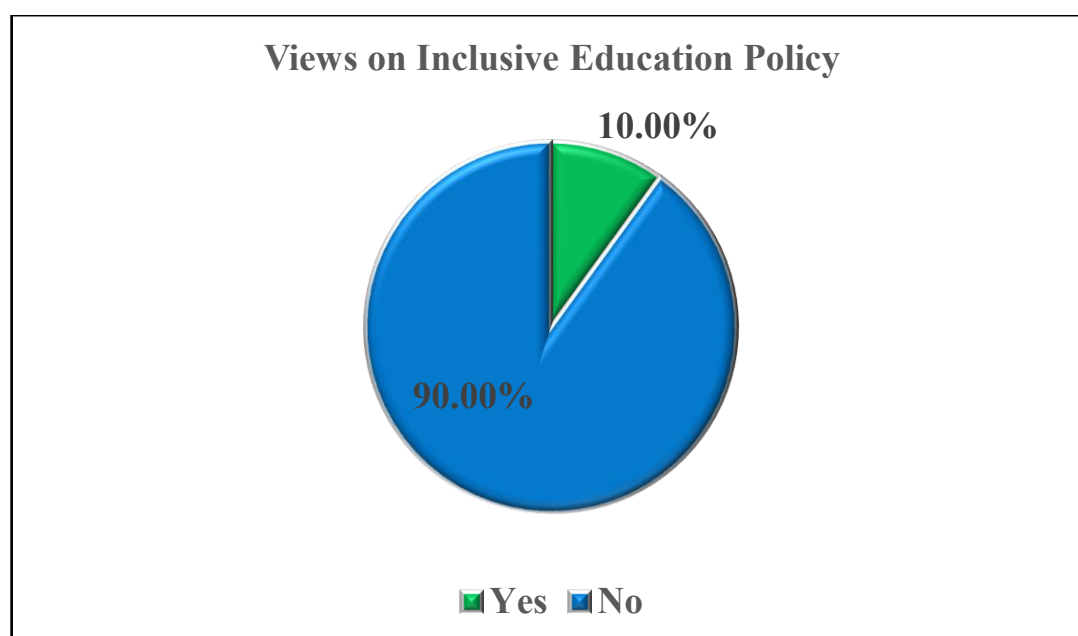
Mental retardation and learning disabilities were the most prominent type of disability being observed amongst CWSN admitted in schools. The majority of the schools opine that they followed the requirements of the RTE Act, 2009 to adopt inclusive education. Schools followed observation, assessment of performance and procured medical certificates to consider the allotment and class allotment of children with disabilities in inclusive schools. Around 90% of the schools held that for the last five years, there was no admission of CWSN in their schools, mostly because of the absence of special

trainers, and CWSNs do not find comfortable in studying in an inclusive set-up as they are unable to cope with the studies on par with the mainstream children, in addition to the inability of the teachers to give personal attention to all the children including CWSN on account of time constraint and the pressure to complete the syllabus.

10% of the schools held that there was the minimal presence of CWSN ranging between one or, at the most, two. Their attendance was regular except during the COVID period, when online classes were conducted, and the attendance was purely based on the availability of the internet and the continuing interest of children to continue with online classes.

30% of schools were of the opinion that they did not receive any aid equipment, or appliances from the government necessary for the education of the CWSN. The only equipment they had included a wheelchair and spectacles. The library also did not contain special books (Braille) to cater to the needs of CWSN.

All the schools, however, admitted that periodically, induction programmes workshops and in-service training were conducted for all the teachers either by the Directorate of Education or Sarva Shiksha Abhiyan.



Source: Primary

Figure 68 Views of stakeholders on Inclusive Education Policy

Figure 68 indicates the opinion of stakeholders which include heads of the Institution, Teachers, Parents and children on Inclusive Education Policy. Around 90% of the respondents did not approve Inclusive Education Policy and preferred a segregated approach. This was mainly because of a lack of Infrastructural Requirements along with teaching aids and equipment, lack of special trainers, practical difficulty in including Children with Special Needs, along with the mainstream in terms of teaching and conducting regular school activities.

In addition, teachers also mentioned that children with Special Needs not being comfortable in learning in Inclusive education, thereby affecting their academic and personal growth. 60% of teachers were of the opinion that they found it difficult to conduct classes and to evaluate in an inclusive environment since Children with Special Needs require extra attention, thereby affecting the curriculum completion on time.

Among all the schools visited it was noticed that none of the schools was 100 per cent compliant with Inclusive Education. None of the Schools had a lift facility. It was informed that although the classes were shifted to the ground floor for the benefit of Children with Special Needs, the laboratories and library could not be shifted on account of place constraints. Parents also were hesitant to send their child in inclusive set up for want of proper facilities and thereby preferred special schools. According to them, sympathetic attitude and indifference towards their child further affected the proper growth of their child.

Moreover the RTE Act has not specified any specific norms for Children with Special Needs, with the exception of requirement of special trainers, although it does seek to promote inclusive education. This acts as a major lacuna in law.

4.10.5 Opinions of Parents and Children as to overall school environment

Parents being part of the empirical study preferred Aided or private schools as against government schools, even if the government school was near to their homeplace. Secondly, parents of children studying in Government schools considered admitting their children in government school on account of financial compulsion and if given an opportunity they would prefer to enroll in Aided or Private Schools.

Parents of children studying in Aided or Private schools expressed satisfaction over the functionality of their schools. They were satisfied with the discipline, availability of necessary facility including infrastructure and proper conduct of lectures.

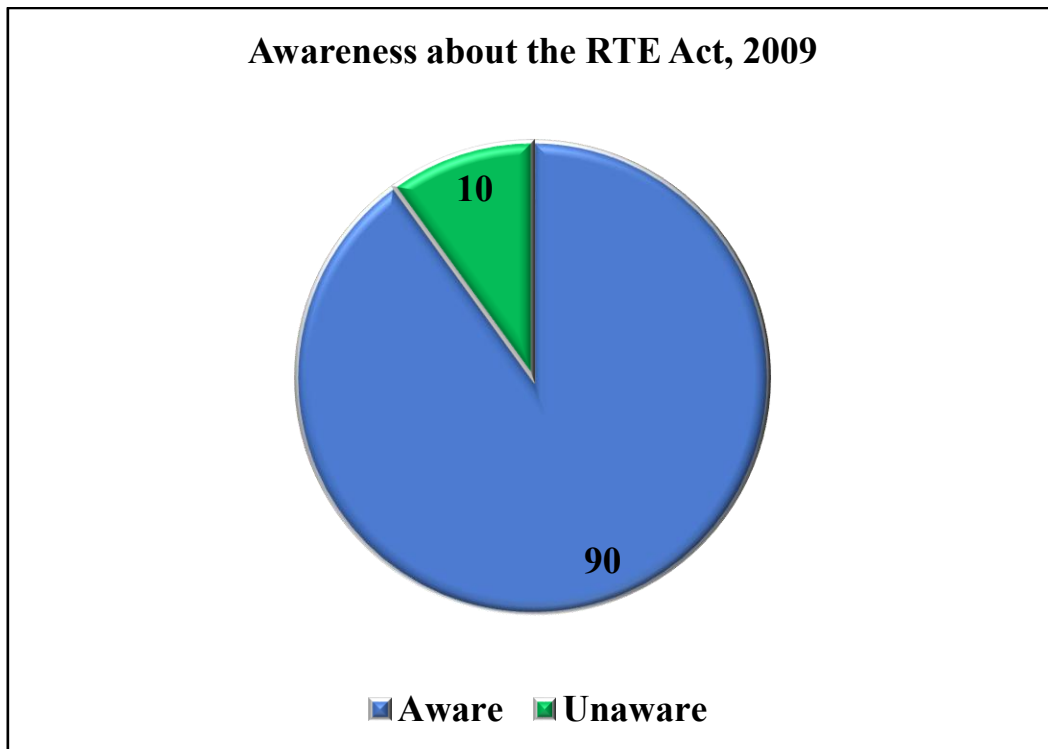
Children were specifically questioned about the functioning of the school, availability of facilities including infrastructural facilities. Majority of the children in Aided and Private schools were happy with their schools, facilities available and the role of teachers. The only dissatisfaction was the absence of proper ground and sports equipment's. Children from government schools were however dissatisfied with the unavailability of proper infrastructure which included improper toilet facility, no playground or sports equipment's, school building in a collapsible state, absence of computers and internet facility etc.

Secondly CWSN forming part of the empirical study when questioned about being part of Inclusive educational setup, expressed their dissatisfaction on account of being treated separately from the mainstream. They also felt that they lacked necessary skills to compete with the mainstream.

4.11 Awareness about the RTE Act

The researcher attempted to verify the level of awareness of heads of the Institution, Teachers and the Parents, about the provisions of RTE Act, 2009

Awareness level amongst the Heads of the Institution

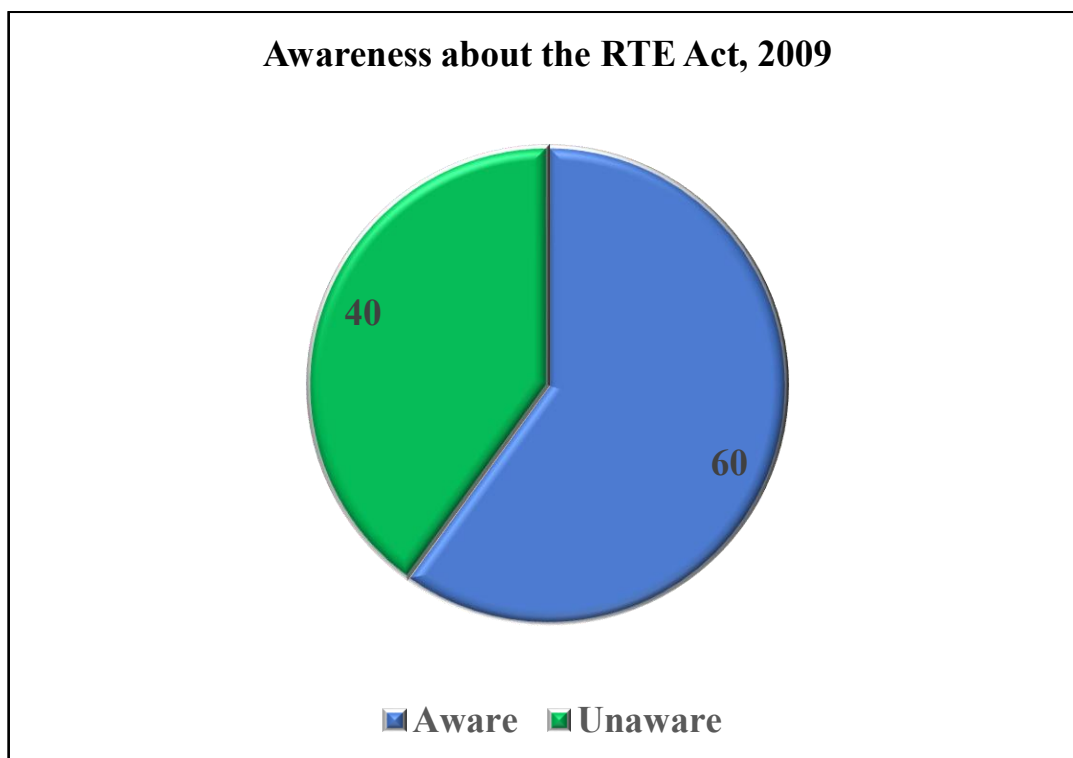


Source: Primary

Figure 69 Awareness amongst the Heads of the Institution about the RTE Act, 2009.

Figure 69 indicates the level of awareness amongst the Heads of the Institution of all category of schools pertaining to the provisions of the RTE Act, 2009. As per the figure, around 90% Heads of the Institution claimed that they were aware about the provisions of the Act. While 10% opined that they were not aware about the same in detail.

Awareness amongst the teachers about the RTE Act, 2009

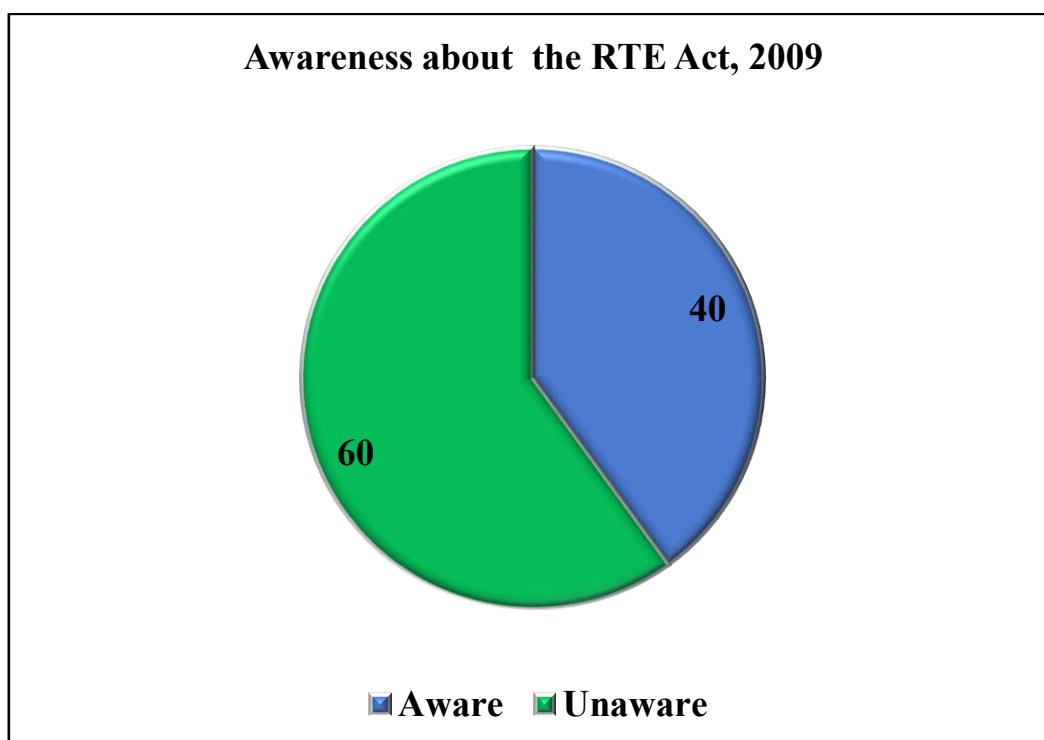


Source: Primary

Figure 70 Awareness amongst the teachers about the RTE Act, 2009

Figure 70 indicates the level of awareness amongst the teachers of the school. It can be noticed that only 60% of the teachers held that they were aware about the provisions of the RTE Act, 2009, while remaining 40% teachers denied the knowledge about the same.

Awareness amongst the parents about the RTE Act, 2009



Source: Primary

Figure 71 Awareness amongst the Parents about the RTE Act, 2009

Figure 71 indicates the level of awareness amongst the Parents of the school. It can be noticed that only 60% of the parents held that they were aware about the provisions of the RTE Act, 2009, while remaining 40% parents denied the knowledge about the same. Among the 40% teachers, majority of them were uneducated and belonged to rural areas.

4.12 Status of education during covid pandemic

The present thesis covered the years when covid pandemic struck India and nationwide lockdown was imposed which included school closures lasting for around 69 weeks. As such the researcher attempted to ascertain the impact of Covid pandemic and lockdown upon universalization of elementary education as noticed from 2020 – 2021 since it happened within the timeframe covered for this thesis.

On account of lockdown there was shift towards online education as against the traditional classroom education. Students being part of the empirical study opined that they found it difficult to adjust to online education along with difficulty in understanding the lessons delivered through online mode. Majority of the students especially from the rural areas did not have access to resources like mobile, internet to access online education. Urban students generally had better access to online lessons. However overall students found it challenging to manage tasks like submitting assignments, interacting with peers, and resolving doubts through platforms like WhatsApp.

Majority of the lectures were delivered through Google Meet. Teachers also faced significant challenges as well. Many struggled to establish rapport with students and to interpret non-verbal cues, such as body language and peer interactions, which are crucial for classroom engagement. This lack of personal connection and real-time feedback made it harder to engage students effectively.

For students in rural areas, the situation was even more challenging. Many lacked access to online learning resources due to limited internet connectivity and the unavailability of digital devices. Issues such as the absence of personal devices, poor internet connections, unaffordable subscriptions, lack of materials from schools, and difficulty understanding online curricula compounded the digital divide between urban and rural students.

Initially schools also did not have proper resources to conduct online education. Many schools lacked basic facility of computers and internet connection. Teachers were unaware about the modes of usage of online tools of teaching. However, Directorate of Education conducted training programmes for the benefit of teachers pertaining to the online tools.

Parents also found it economically burdensome to provide mobile and internet connection at home especially in the household with more than one child.

4.13 Grievance Redressal Mechanism

RTE Act provides for a Grievance Redressal Mechanism in the wake of violation of child rights pertaining to education. Accordingly, a complaint can be filed before the local authority.⁴⁶⁸ However, under the RTE Act of 2009, the same local authority is invested with the duty to provide free and compulsory education to all children at the elementary stage. This itself violates the basic principles of natural justice and thereby creates a mockery of the rights provided therein.

Secondly, the legal and institutional set-up as laid under the RTE Act fails to conform to the standards of independence and neutrality to effectively enforce the rights which would compensate for the lack of access to the judiciary. The grievance redressal mechanism mentioned under the Act is local authority. The definition of local authority is vast enough to include municipal corporation, zilla panchayat and any other local authority.⁴⁶⁹ This tends to create a conflict of interest with respect to hierarchy in local bodies. As per the hierarchy, at the lower level is the panchayat, and above that is the Zilla Panchayat. This assigns the power to redress the grievances to the multitude of

⁴⁶⁸ The Right to Free and Compulsory Education Act, 2009, Section 32. Redressal of grievances.—(1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

⁴⁶⁸The Right to Free and Compulsory Education Act, 2009, Section 9: Duties of local authority.—Every local authority shall— (a) provide free and compulsory elementary education to every child: Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school; (b) ensure availability of a neighbourhood school as specified in section 6; (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds; (d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed; (e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction; (f) provide infrastructure including school building, teaching staff and learning material; (g) provide special training facility specified in section 4; (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule; (i) ensure timely prescribing of curriculum and courses of study for elementary education; (j) provide training facility for teachers; (k) ensure admission of children of migrant families; (l) monitor functioning of schools within its jurisdiction; and (m) decide the academic calendar.

⁴⁶⁹ The Right to Free and Compulsory Education Act, 2009, Section 2(h) “local authority” means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

institutions at the same time that, too, belong to a different hierarchy under the administrative setup, thereby creating doubts upon neutrality and independence of quasi-judicial bodies.

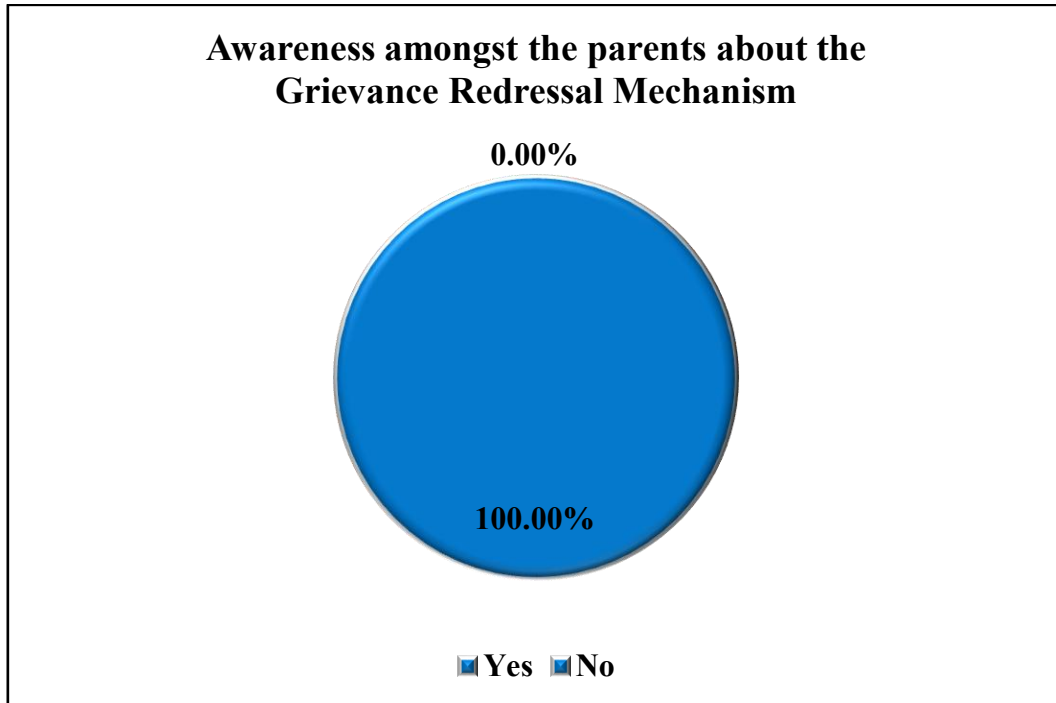
There is a lack of clarity in terms of the powers of the grievance redressal authorities to adjudicate the matters. Although the RTE Act empowers the authorities to accept written complaints pertaining to the rights of the child, it is not clear whether these power covers all the provisions of the Act and the rules made by the respective states, including non-implementation of the provisions of the RTE Act, 2009. Under the RTE Act, duties are cast upon the appropriate government to implement provisions of the Act. This further creates ambiguity as to whether the local authority can adjudicate the matters against the government, which otherwise is subordinate to the government in the administrative setup.

Similarly, some of the provisions under the Act are directions to the central and state governments relating to the sharing of financial responsibilities, the development of curriculum, the enforcement of standards for teacher training, and so on. Whether violations of these duties would constitute a justiciable cause of action is not clear under the Act.

The Act is silent pertaining to the remedial or penal provisions for violation of rights mentioned under the Act as they fail to define the consequences of violations. Although in certain cases, the consequence is clear on the face of it i.e in case of charging of capitation fee, or screening procedure or physical punishment, yet in some cases pertaining to the duties of the government, local authorities, teachers and parents, there is a lack of clarity in the event of an infringement of the same.

4.13.1 Empirical analysis of the questionnaire

a. Awareness about the Grievance Redressal Mechanism amongst the parents

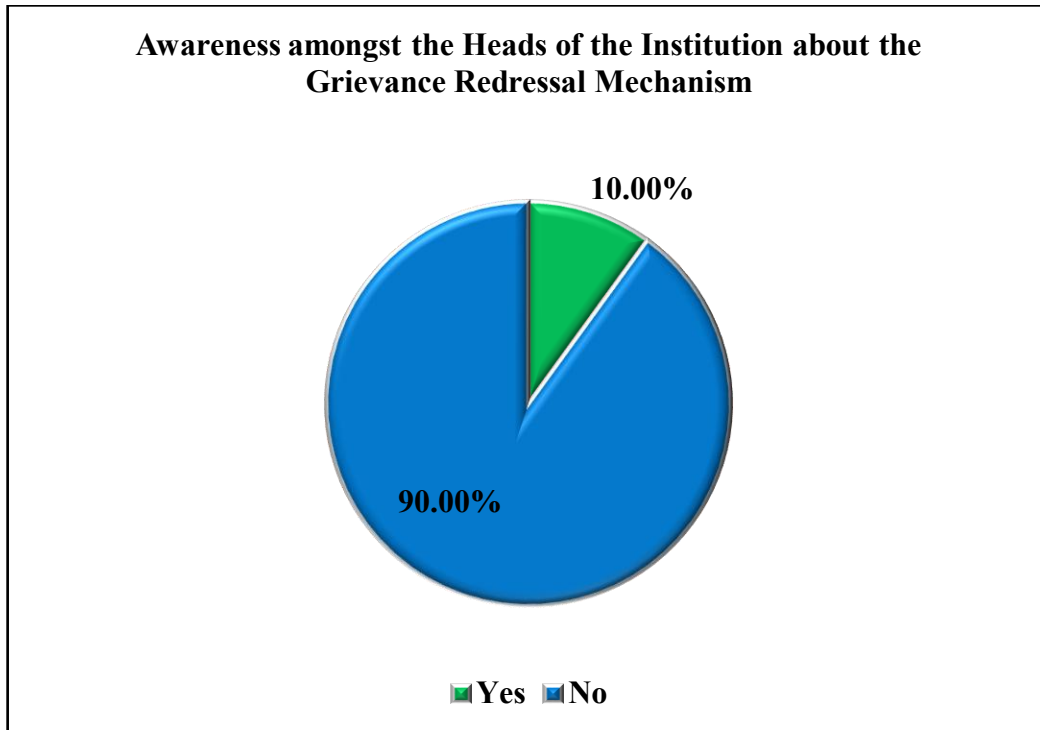


Source: Primary

Figure 72 Awareness amongst the parents about the Grievance Redressal Mechanism

Figure 72 indicates the level of awareness amongst the parents about the Grievance Redressal Mechanism. None of the parents who were part of the study were aware of the grievance redressal authorities mentioned under the RTE Act.

b. Awareness about the Grievance Redressal Mechanism amongst the Heads of the Institution

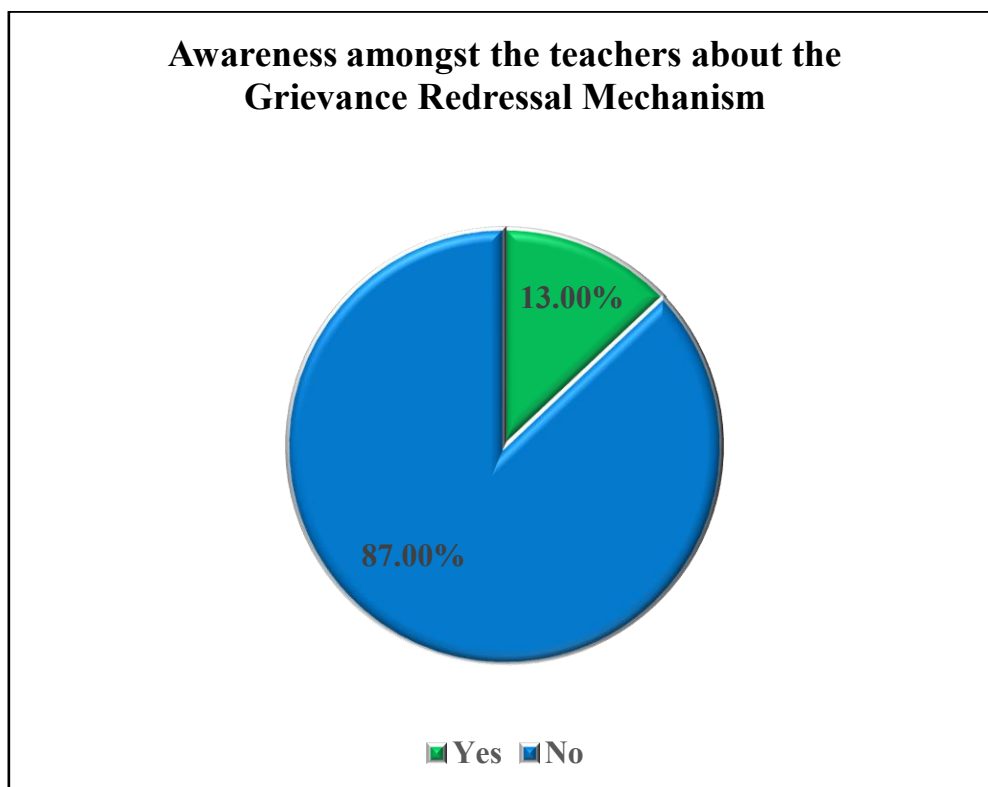


Source: Primary

Figure 73 Awareness amongst the Heads of the Institution about the Grievance Redressal Mechanism

Figure 73 indicates the level of awareness amongst the Heads of the Institution about the Grievance Redressal Mechanism. As per the primary data, 90% of the Heads of the Institution were unaware about the grievance redressal mechanism.

c. Awareness about the Grievance Redressal Mechanism amongst the teachers



Source: Primary

Figure 74 Awareness about the Grievance Redressal Mechanism amongst the teachers

Figure 74 indicates the level of awareness amongst the teachers about the Grievance Redressal Mechanism. Around 87% of the teachers were unaware about the grievance redressal mechanism.

Table 58 Number of complaints received by the Goa State Commission for protection of Child Rights relating to the Child’s rights to free and compulsory education

Year	No of complaints received
2014-15	8
2015-16	13

2016-17	6
2017-18	3
2018-19	1
2019-20	1
2020-21	1

Source: Primary

Table No 58 denotes the Number of complaints received by the Goa State Commission for protection of Child Rights relating to the Child's rights to free and compulsory education

The Commission through RTI application informed that most of the complaints were pertaining to the difficulties faced by children in school. It was further informed that as of now all the complaints have been disposed off. Similarly, the Commission held that no provision under section 15 of the Protection of child rights Act, 2005 has been applied for the time period between 2014-15 to 2020-21.⁴⁷⁰

Under the RTE Act, 2009 the Commission has power to register any cases of violation of educational rights of the child suo motu. Uptil 2020-21, the commission had sum motu registered only one complaint of a child which involved harassment by teachers in the year 2019-20.

When questioned about the approximate time limit to dispose off the complaint relating to the Child's rights to free and compulsory education, the commission replied that since there is no specific time limit mentioned in the Commission for Protection of Child Right Act 2005 and Goa Commission for Protection of Child Rights Rules 2010 to

⁴⁷⁰ THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005 Section 15. Steps after inquiry.—The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:— (i) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons; 7 (ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary; (iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

dispose off the complaint relating to the Child's Rights to free and compulsory education, the commission does not follow any strict time limit to dispose off the cases.

Under the RTE Act, the Commission enjoys appellate powers. However, as per the Commission records no appeals have been preferred before the commission under Right to education Act, 2009 till 2020-21.

Under the RTE Act, local authority has original jurisdiction to try the matters under the RTE Act, 2009. However, amongst the panchayats which were part of the empirical study, no cases till date have been reported under the RTE Act, 2009. Primary reason for this being many people are unaware about the quasi judicial powers of the local authority as per RTE Act, 2009.

All the Heads of the Institution reported that there were no cases of violation of child rights in school. Similarly, they held there were no incidences of physical punishment and mental harassment of child in school.

Majority of the parents held that they were not inclined to report any cases of violation of educational rights of the child on account of fear of mistreatment to their child. Similarly, around 90% of the parents held that capitation fees were charged by the schools every year. They reported that a separate receipt is issued with respect to capitation fees without mentioning name of the school. As such they do not have any proof about charging of capitation fees. Similarly, if capitation fees are not paid, heads of the institution humiliate and embarrasses the child in front of the entire class. On account of this fear, parents are forced to pay capitation fees or donations.

Although RTE Act prohibits screening procedure, many parents held that their child had to undergo through a screening procedure before admission. This procedure is commonly followed for 1st Standard admission. Similarly, very few parents reported of instances of physical punishments meted out to children by the teachers. However, none of the above cases were reported to any grievance redressal authorities.

All the schools however denied charging of capitation fees, following any screening procedure or any instances of physical punishment to any child in the school.

4.14 Analysis of the Hypothesis

Hypothesis No 1

Judicial interpretation, making the right to education a fundamental right, had, over a period, undergone several changes due to legislative interventions and thereby restricted only to children from 6 to 14 years old.

The definition and scope of the age entitled to free and compulsory education have evolved significantly over time. Initially, under Article 45, the state's responsibility was limited to providing education up to the age of 14 years. This framework underwent a shift with the *Mohini Jain* judgment, which did not specify an age limit for free education. However, the subsequent *Unni Krishnan* judgment defined this entitlement more narrowly, restricting it to children aged six to fourteen years. This interpretation laid the foundation for the enactment of the Right to Education (RTE) Act, 2009, which formalized this age bracket. This therefore **proves the hypothesis**.

Hypothesis No 2

The RTE Act was enacted to implement the constitutional mandate of the right to education and provide detailed provisions for achieving universalization of elementary education. However, this goal has not been achieved in the State of Goa due to inadequate infrastructural facilities.

In the present research, Hypothesis No. 2 was tested on the following counts:

- a. Availability of Infrastructural facilities
- b. Functionality and the condition of the Infrastructural facilities
- c. Role of Infrastructural facility in promoting Universalization of Elementary Education

The Hypothesis No 2 stands **partly proved** since although there is adequate provision for infrastructural facilities across schools in terms of the different management and the location vis a vis rural and urban area, yet majority of the schools lack the facility specially required for CWSN. Similarly, although the facilities are present yet in some

of the schools it is not in proper functional state. Infrastructural facility plays an important role in enhancing the enrolment rate since parents prefer to enroll their children either in Aided or Private schools because of better infrastructural facility being prime reason.

Hypothesis No 3

3. The lack of state efforts to ensure the availability of schools and enrolment and retention of students has hindered the universalization of elementary education in the State of Goa.

The present hypothesis was tested to 1. Ascertain the availability and accessibility of schools in Goa 2. To determine Gross Enrolment and Net Enrolment Ratio 3. To determine the retention rate in elementary education in Goa

Hypothesis No 3 stands **disproved** on account of the fact that the Gross Enrolment ratio average is nearly 100 percent. Similarly, the retention rate is above 97% and the dropout rate is almost negligible to 0.78%.

Hypothesis No 4

While inclusive education is part of the universalization of education, there is a lack of detailed norms addressing the needs of Children with Special Needs. Consequently, most schools fail to provide meaningful education to these children.

The above hypothesis was assessed based on 1. Number of Schools with infrastructure compatible for Inclusive Education 2. Availability of special trainers to promote Inclusive Education, 3 Preparedness and keenness of the stakeholders for Inclusive Education.

The Hypothesis No 4 stands **proved** since the RTE Act, 2009 has not laid out any detailed norms to be followed by the educational Institutions to promote Inclusive education. Secondly, majority of the schools lack basic facilities required by the CWSN in the nature of Ramps, handrails and special equipment's thereby hampering inclusive majority. Thirdly, majority of the schools do not have special trainers required to promote Inclusive education. Fourthly, Institutions along with the heads of the

Institutions, teachers and parents seem to be unprepared to accept the Inclusive Education model.

Hypothesis No 5

The Grievance Redressal mechanism provided under the RTE Act, 2009 is aimed at the smooth functioning of the Act. However, lack of clarity and awareness about the role of the Local Authority in redressing the grievances faced by the child make the provision a non-starter.

Hypothesis No 5 stands **Proved** on following grounds:

1. The RTE Act, 2009 suffers with severe drawbacks pertaining to the grievance redressal mechanism with respect to the constitution, Independence, neutrality and principles of natural justice.
2. Majority of the stakeholders including parents are unaware about the grievance redressal mechanism.
3. Parents are unwilling to resort to grievance redressal mechanism with the fear of it affecting negatively to the child.
4. In view of the above, no complaints have been received till date pertaining to the violation of Right to education before the local authority.

Chapter 5

Conclusions and suggestions

5. Conclusion

Education is a potent tool which promotes personality development. It enables people to gain knowledge, imbibes them with life skills and techniques and empowers them to fight against injustice and other vices of the society. Education is thus seen as the foundation of economic, political and social elements of the society. It correlates to the power of an individual to express their opinion and to effectively contribute to the development of society. Stability and smooth conduct of society largely depends upon an efficient and successful educational system.

Thus, an effective educational system in a society mandates provision for adequate number of schools, sufficient resources to enable effective teaching and learning, provision for infrastructure in tune with technological advancement, presence of educators and an efficacious environment which promotes equitable learning. Violations usually take the form of high dropouts, out of school children and consequently declining rate of literacy. According to the UN report, 78.2 million are out of school children specifically in crisis-hit countries, out of which around 54% are girls, 17% are children with functional difficulties and 16% are forcibly displaced.⁴⁷¹ According to the recent reports of UNESCO, 244 million children and youth between the age group of 6 and 18 worldwide, were still not enrolled in any school as of 2021.⁴⁷²

In India, the statistics of dropout in school is not very pleasant. A recent survey by the National Statistical Office (NSO) has revealed that around 12.6% of student's dropout of school in India, 19.8% discontinued education at secondary level while 17.5% discontinued at upper primary level.⁴⁷³ Dropout signifies failure on the part of the educational system to motivate students to complete their education. It denotes great wastage of the system as children discontinue their education without acquiring basic skills thereby not realizing the true motive of education. This further makes it pertinent to analyze the sustainability and efficiency of the educational system.

There are varied causes which stimulate children either to drop out or not to enroll in schools. Poverty is the foremost barrier which prevents children from pursuing even

⁴⁷¹ Globally 78.2 million children out of school: UN report last visited on November 2023

⁴⁷² unesdoc.unesco.org/ark:/48223/pf0000382577 last visited on October 2023

⁴⁷³ National Sample Survey Office (NSSO) | Ministry of Statistics and Program Implementation | Government Of India last visited on November 2023

elementary education. This further leads to promotion of child labour thereby restricting their rights and limiting their future opportunities. Similarly cultural norms and practices act as an impediment in realizing the goal of education. Rooted in the society are gender biases and stereotypes, caste and religious disparities which boost inequality in the sector of education as well.

In the International sphere, rights of children have received recognition through treaties and conventions. International law unquestionably affirms the rights of every child to free and compulsory education. UN General Assembly adopted Universal Declaration of Human Rights, 1948, to give recognition to the education in the International Sphere. Every country in the world has made attempts to incorporate right to education in their highest legal order, upon ratifying Human Rights Treaty. Sustainable Development Agenda, 2015 reaffirms the importance of education more specifically outlined under Sustainable Development Goal 4 which seeks to ensure equitable and Inclusive education by 2030⁴⁷⁴

In keeping with this goal, India has made remarkable progress and has signified its commitment to make the right to education a reality. Introduction of new laws and policies has significantly increased the enrollment rate with consequent reduction in the number of out of school children and dropouts.⁴⁷⁵

Since Independence, education has not remained a focal point of interest politically for a long period of time. Inclusion of education in the state subject prevented the interference of the central government in the development of education pan India. Accordingly, budget allocation was also limited as compared to higher education.

With the changing times, importance towards elementary education gained momentum which brought along with it numerous constitutional reforms, policy formulations and consequent hike in budgetary allocation for elementary education. With the 42nd Amendment to the Constitution in the year 1976, education was transferred to the Concurrent List under the Constitution. This symbolizes the collective responsibility of the Union and the State government to improve primary education in India.

⁴⁷⁴ unesdoc.unesco.org/ark:/48223/pf0000374802 last visited on November 2023

⁴⁷⁵ National Policy on Education in 1968, National Policy on Education, 1986, Programme of Action (PoA) 1992, National Education Policy of India 2020, Right to Free and Compulsory Education Act, 2009

After around 40 years since independence, the government announced various policies and initiatives to tackle the issues faced by the educational system in India. Operation Blackboard, Mahila Samakhya, Shiksha Karmi Project, Mid Day Meals Scheme, District Primary Education Programme were implemented to universalize elementary education in India.

The goal of Education for All was first adopted at the World Education Forum in Dakar in the year 2000.⁴⁷⁶ Millennium Development Goals ensured achievement of universal primary education by 2015. Sarva Shiksha Abhiyan, major flagship of the central government has declared goals to promote Education for All, which included

- a. Enrolment of all children
- b. Successful completion of elementary education
- c. Reducing the gender and social disparities.

As part of the empirical study, researcher tried to ascertain compliance of various authorities towards the requirements of the RTE Act, 2009 which would ensure fulfillment of the fundamental right to education of every child and thereby promote universalization of elementary education.

Despite these efforts, one can still witness blatant violations of law. The environment within the school can still undermine the rights of children, with the presence of inadequately trained teachers, unsafe infrastructure, improper curriculum, absence of necessary tools and technology for effective teaching learning, gender bias or societal bias and stereotypes.

5.1 Findings Derived from Empirical Investigation

5.1.1 Evolution of Education as a fundamental right from age six to fourteen

The right to education is guaranteed under the Indian Constitution right from its inception. Article 45 mandates the state to provide free and compulsory education to all children upto the age of fourteen years. This Article further provides a deadline to accomplish it within a period of ten years from the date of commencement of the Constitution. The said Article was debated before the Constituent Assembly on 23rd November 1948. The word 'education' was suggested to be replaced with the words

⁴⁷⁶ unesdoc.unesco.org/ark:/48223/pf0000121147 last visited on November 2023

‘Primary education’. However, to align it with the then Article No. 18, which barred employment of children below fourteen years, approval was further accorded to the usage of the word ‘education’ under Article 45. A close scrutiny of the Article reveals that the intention of the makers of the Constitution was to mandate the state to achieve universalization of elementary education to all children up to fourteen years. It did not mention the lower age limit for receiving free and compulsory elementary education. Similarly, the Article sought to exclude secondary and higher education from the purview of the mandatory duty of the state towards the provision of education.

Judicial activism within the sphere of Article 21 of the Constitution was also evident in the area of education. In the year 1978, the Division Bench of the Delhi High Court held that the right to education is a fundamental right. Subsequently, in *Mohini Jain v. State of Karnataka*, the Apex Court held that the state has the duty to provide education as enumerated in Directive principles of State Policy of the Constitution. Court asserted that the word ‘Right to life’ is more than ‘life and limb’ and also includes necessities of life, including education. This was a landmark judgment delivered by a Division Bench comprising Justice Kuldip Singh and Justice R.M. Sahai. The main issue in the case pertained to the nature of right to education within the purview of the Constitution.

The court held that the right to education is concomitant to the fundamental rights as guaranteed under Part III of the Constitution. It opined that human dignity is by far the inviolable right of every individual, and it can be successfully protected only if the citizens are vigilant. Vigilance, in effect, can be achieved only through education. It also highlighted the obligation of the government to make necessary provisions for establishing and providing access to educational institutions as provided under the Directive Principles of State Policy. The court took the rightful stand in holding Directive Principles as not mere pious declarations but, on the contrary, casting obligations upon the government to fulfil the same. It gave an extended meaning to the term ‘right to life’ as guaranteed under Article 21 of the Constitution as including, among other rights, right to education. The Court, by interpreting the Preamble, Articles 21,38,39(c) and (f), 41 and 45 of the Constitution, held that the right to education falls within the purview of Article 21 of the Constitution.

Accordingly, it was decided that the capitation fees deny the right to education of lower strata of society, thereby making it a privilege of only the richer section of society, which

is violative of Article 14 of the Indian Constitution. This decision is rightfully a major turning point in the history of interpretation of Article 21 of the Constitution. This decision was crucial because it did not provide a limitation pertaining to the age in terms of the right to education, which one could witness under the erstwhile Article 45 of the Constitution.

Right to Education, which was initially part of Directive Principles of State Policy, finally found its rightful place in part III of the Constitution with the landmark judgment in *Unni Krishan v. State of Madras*. While elaborating on the scope of Article 21 of the Constitution, the Court observed that the right to life includes the right to live with human dignity and includes bare necessities of life such as adequate nutrition, clothing, shelter and facilities for reading, writing and expressing oneself. This court further stressed the fact that although the citizens of this country have a fundamental right to education, it is, however, not an absolute right. Every child / citizen shall have a fundamental right to education until he completes the age of fourteen years. Thereafter the right is subject to the limits of economic capacity of the state. The *Unni Krishnan* case on the other hand takes a narrow view, in contrast to the decision in *Mohini Jain* case, by putting a limitation of the age to enforce fundamental right. The matter under consideration in the *Unni Krishnan* case pertained to determining the extent of Article 21 of the Indian Constitution. The Apex Court relied upon the precedents given by this court earlier and held that provisions of Part III and Part IV are complementary and supplementary to each other and that the fundamental rights are means to achieve the objects of Part IV of the Constitution.

Further, the court held that providing education is a state function. As such, unless financial assistance is provided, private, unaided institutions cannot be compelled to charge fees in tune with government institutions.

The *Unni Krishnan* case was instrumental in bringing the 86th Constitutional Amendment in the year 2002. The constitutional Amendment, also keeping up with the precedent as laid under the *Unni Krishnan* case, limited the right up to 14 years. This Constitutional Amendment ensured the right to free and compulsory elementary education for all children from the age of six to fourteen years of age. This, in fact, raised the status of the right to education from a mere legal right to a fundamental right. However, this constitutional Amendment was a deviation from the objectives laid under

Article 45 by mentioning a lower age limit to secure it as a fundamental right. The main purpose of this amendment was to ensure access to quality education along with a safe environment to successfully complete elementary education. In its statement of objectives and reasons, it clearly highlighted the failure to achieve the objectives of Article 45 in spite of a span of around 37 years. Through this Amendment, it asserted the political will and the resolution of the country to achieve UEE in India and thereby to eradicate illiteracy. It aimed to provide necessary momentum to achieve UEE by the year 2000. A lot of debates surrounded fixing the age limit between six to fourteen years and the consequent deletion of Article 45, which, in effect, would take away the right to pre-primary education. As to the age limit, it was opined that as the right becomes justiciable, what is enforceable would be between the age group of six to fourteen years of age, although it did recognize the importance of pre-primary education.

On account of providing necessary benefits of education to pre-primary education, Article 45 was substituted to include Pre-Primary education through 86th Constitutional Amendment Act, 2002.

On 1st April 2010, The Right to Free and Compulsory Education Act, 2009 was passed to give effect to the 86th Constitutional Amendment. The Right to Free and Compulsory Education Act, 2009 (RTE Act, 2009) provides for free education, thereby making education accessible to all, irrespective of any differences. Secondly, the word 'compulsory education' casts duty upon the varied stakeholders, which include the government, schools, teachers and parents, to provide and ensure that all children aged 6 to 14 have access to and complete elementary education.

As it can be seen that through different phases the meaning and the definition of the age entitled for free and compulsory education has gone through major changes with the beginning under Article 45, the state being under the duty to provide education only upto the age of 14 years, to the judgment in Mohini Jain case which did not provide for any age limit. Later Unni Krishnan case finally limited to the age of six to fourteen years based on which the RTE Act, 2009 was finally. This therefore proves the hypothesis.

5.1.2 Infrastructural facilities

The RTE Act was enacted to implement the constitutional mandate of the right to education and provide detailed provisions for achieving universalization of elementary

education. However, this goal has not been achieved in the State of Goa due to inadequate infrastructural facilities.

School infrastructure plays a pivotal role in shaping the quality of education by influencing the learning environment and the overall well-being of students and staff. Well-designed and maintained infrastructure, such as ventilated, well-lit classrooms and comfortable seating, fosters a conducive learning atmosphere. This not only enhances concentration and reduces absenteeism but also improves academic performance. Modern facilities, such as updated technology and adequate space, further ensure that students can fully engage in their education, making learning more effective and enjoyable.

Beyond academics, proper school infrastructure addresses critical health and safety needs. Access to clean drinking water, proper sanitation facilities, and safe buildings contributes to the well-being of students and staff, ensuring they can focus on learning without undue concerns. Inclusive infrastructure, such as ramps and accessible toilets, supports students with disabilities and promotes equity in education. By making schools welcoming and accessible to all, infrastructure investments help reduce dropout rates and encourage long-term engagement with education.

Additionally, good school infrastructure benefits teachers by boosting morale and job satisfaction, creating an environment where they can teach more effectively. Schools with modern, well-maintained facilities attract and retain talented educators, improving the overall quality of education. Moreover, investing in school infrastructure helps bridge the gap between urban and rural areas, ensuring equitable access to quality education for all students, regardless of their geographical location.

The Right to Education (RTE) Act, 2009, outlines detailed infrastructure norms that every school in India must comply with to ensure a conducive and equitable learning environment for children. These norms include the availability of a functional and weather-resistant school building. The building should have at least one classroom for every teacher and enough space for every child to be seated comfortably. For multi-grade classrooms, adequate arrangements must be made to ensure effective teaching. The school building must also include a headmaster's office and a separate room for teachers to prepare lesson plans and take breaks.

Sanitation and hygiene facilities are a critical aspect of the RTE norms. Schools are required to have separate and functional toilets for boys and girls, ensuring privacy and dignity for students. These toilets must be well-maintained and hygienic. Additionally, schools must provide safe and adequate drinking water facilities, with access to clean water within the school premises. The Act also mandates the presence of a functional kitchen shed for preparing midday meals, promoting nutrition and addressing hunger among school-going children.

Another key norm under the RTE Act is the provision of playgrounds and sports equipment to support the physical development and well-being of children. Schools must have a designated play area to encourage extracurricular activities, including sports and physical education. For the safety of students, the school premises must be enclosed by a boundary wall or fencing. The Act also mandates the construction of ramps and accessible facilities to cater to children with disabilities, ensuring inclusivity. Furthermore, libraries and teaching aids, such as blackboards, chalk, and other learning materials, must be available in every classroom to enhance the teaching-learning process. These norms collectively aim to create a child-friendly, safe, and effective learning environment in all schools.

Under the empirical data, it was observed that the majority of the schools forming part of the present study did not comply with all the requirements. Although the Act provides for de-recognition of such schools, till date none of the schools have been de-recognized on account of non-compliance of the RTE Act, 2009.

Some of the school buildings, especially of the government schools are in dangerous condition, risking the lives of children and the entire staff working thereby leading to blatant violation of the Fundamental Right. Newspaper reports confirm to the precarious condition of school buildings. In one of the newspaper reports, it was categorically mentioned about the collapse of concrete in Mormugao School and indifferent attitude of the government authorities in spite of the repeated reminders by the school. The callous attitude and dilapidated condition of the building further aggravate the situation and pose danger to the lives of children thereby affecting the fundamental rights of the child.

Although the secondary data collected from UDISE website confirm to the fact about cent percent availability of toilets, both separate for girls and boys and drinking water and availability of electricity facility, yet at the ground level, in some of the schools, the toilets are not functional. Similarly, there is no provision for drinking water especially in rural primary schools.

In spite of lapse of around 20 years since the enactment of the Constitutional Amendment Act, 2002, majority of the schools in Goa do not have computers and internet facility. This impacted educational development during the Covid pandemic, denying the fundamental right of children.

The secondary data confirms to the availability of playground, however, in reality, most of the schools tend to show a small space as playground of the school. This is on account of lacuna in the RTE Act, 2009 which does not specify the minimum area for a playground attached to the school. Similarly, some schools in urban area, for want of space, do not have playground facility available for children. Some of the schools do not have proper boundary wall causing risk to the lives of children.

Majority of the schools irrespective of the management type, do not have provision for a full-time librarian. Similarly, most of the libraries are not adequately equipped with variety of fiction and non-fictional books including newspapers. In majority of the schools, there is absence of advanced technological equipment necessary for effective teaching and learning. Sports equipment's are limited to cricket and football only, with no sports equipment's and support to learn diverse other sports and games.

Although there is adequate provision for infrastructural facilities across schools in terms of the different management and the location vis a vis rural and urban area, yet majority of the schools lack the facility specially required for CWSN. Similarly, although the facilities are present yet in some of the schools it is not in proper functional state.

5.1.3 Availability of schools

There is availability of schools as required by the RTE Rules. Primary schools cover an area of around 3.21 sq.km whereas Middle schools covers a larger area of around 7 sq. kms. So approximately, the schools in Goa meet the criteria of availability of schools within approved parameters.

Similarly, although there is decline in number of government schools, there is corresponding increase in aided schools. This decline is mostly on account of low admission over the period of time, leading to closure of government schools. There has been closure of certain private schools on account of financial difficulties. In addition to it, there are three times more schools in rural areas as compared to the urban areas. The lower number of primary schools is on account of preference of parents to enroll their children in high schools rather than primary school. This has further contributed to the drastic reduction in Middle schools. High schools remain the preferred choice of the majority of the parents on account of continuity in education.

Parents also confirmed to the availability of schools within the proximity of 3 to 4 kilometers of their neighborhood, however, majority of the parents preferred aided or private schools over government schools.

5.1.4 Enrollment levels in schools

Among all three levels which include primary school (std I -V), Upper Primary Schools (Std I -VIII) and Secondary Schools (std I – X), the highest enrolment rate is of secondary school indicating the preference of the majority of the parents to enroll their children. There has been steady increase in the enrolment level over the years under Secondary school which can be observed for both North Goa and South Goa. The enrollment rate has been satisfactory over the years which have formed part of the present study. In government schools highest number of enrolments happens in primary level and the least enrolment takes place secondary level. While for aided schools, enrolment in primary schools has also risen over the years, the growth is notably less pronounced compared to the sharp increase observed in secondary school enrolment. In case of Primary schools that enrolment levels are highest in primary schools compared to the minimal enrolment observed in upper primary and secondary schools.

The researcher sought to investigate the reasons behind the lower enrolment rates in government schools. The majority of headmasters from these schools expressed that parents often prefer aided and private schools due to the negative stigma associated with government institutions. Additional factors contributing to low enrolment rates include inadequate infrastructure and insufficient promotion of the facilities available in government schools.

The overall ASER in the age group between 6 – 10 years, 11-13 years and 6 -13 years is above 90 with the exception in 2021, which indicates almost universal enrolment.

Similarly in Goa the Average GER for Primary Schools is 100, for Upper Primary is 94 and for elementary is 97 from 2015 till 2021-22 while the Average NER for Primary Schools is 93%, for Upper Primary is 81% and for elementary is 93 from 2014 till 2021-22.

Government has initiated various steps which will give a boost to the enrollment rate especially through the efforts of Samagra Shiksha Abhiyan (Than Sarva Shiksha Abhiyan). Mid-Day Meals programme was initiated nationwide, as part of universalization of elementary education. Although effective results have been seen in other parts of the country, in Goa however, it was noticed that there was no correlation between provision for Mid Day Meals and higher enrollment rate or lower dropout rates. In fact, children along with parents disliked the food under Mid Day Meals programmes and rather preferred dry ingredients or home cooked meals. However, it did benefit migrant children in Goa as it prompted them to enroll in schools and continue their education.

5.1.5 Dropout and retention rate

In Goa, the Average Dropout rate for Primary level education is 0.78%, and for upper primary level education is 0.22% from 2014 till 2021-22, whereas In Goa, the Average Promotion rate for Primary level education is 98%, and for upper primary level education is 99% from 2014 to 2021-22. In addition to it, Figure 22 depicts the percentage of schools having the problem of dropouts in elementary education. It was seen that 4% of the schools were of the opinion that there is an incidence of dropout in their schools, whereas 96% of schools did not face the problem of dropout. The average dropout percentage ranged between 1% to 2%. The primary data revealed that around 84% schools had 100% retention rate. The Gross Enrolment ratio average is nearly 100 percent. Similarly, the retention rate is above 97% and the dropout rate is almost negligible to 0.78%. Although there were out of school children yet on account of successful intervention by Samagra Shiksha Abhiyan, they have been successfully placed in varied schools.

5.1.6 Inclusive education

Predominantly, Inclusive education is associated with the right to education of children with disabilities. It is based on the notion of giving opportunity to all the children to learn together, irrespective of the differences. It seeks to combat differences by promoting respect and value for diversity in unified environment.

Under the RTE Act, 2009, the definition of the word 'child' includes children with disability and equally enjoys right to free and compulsory elementary education along with the mainstream. Only children with multiple disabilities and severe disabilities are given option to choose home based education. Inclusive education mandates adapting the school environment, infrastructure, learning pedagogies to suit the needs of the children with disabilities alongwith the mainstream children.

RTE Act has not specified any specific norms for Children with Special Needs in terms of Infrastructure, Teaching Learning Materials etc, with the exception of requirement of special trainers, although it does seek to promote inclusive education.

As part of the empirical study, it was observed that majority of Aided and Private schools lack the basic facility of ramps and handrails necessary for CWSN. Similarly, majority of the schools are in a multistoried building structure with no provision for Lifts. This acts as barrier to children to climb the floors. Moreover, in some of the schools it was observed that the laboratories were on higher floors making it inaccessible to CWSN.

In addition to it, 80% of the schools did not have provision for wheelchair being the basic necessity in case of physical handicap. 80% of the schools did not have resource rooms while 70% of schools did not have provision for special trainers needed for effective learning for CWSN.

The school environment was not inclusive enough to accommodate CWSN. CWSN were forced to accommodate to the environment and pedagogy of the school which was mainly conducive to the mainstream. Children themselves were found to be uncomfortable in inclusive set up.

The RTE Act, 2009 has not laid out any detailed norms to be followed by the educational Institutions to promote Inclusive education. Secondly, majority of the schools lack basic

facilities required by the CWSN in the nature of Ramps, handrails and special equipment's thereby hampering inclusive majority. Thirdly, majority of the schools do not have special trainers required to promote Inclusive education. Fourthly, Institutions along with the heads of the Institutions, teachers and parents seem to be unprepared to accept the Inclusive Education model.

5.1.7 Grievance Redressal mechanism

RTE Act provides for a Grievance Redressal Mechanism in the wake of violation of child rights pertaining to education. Accordingly, a complaint can be filed before the local authority. However, under the RTE Act of 2009, the same local authority is invested with the duty to provide free and compulsory education to all children at the elementary stage. This itself violates the basic principles of natural justice and thereby creates a mockery of the rights provided therein.

Secondly, the legal and institutional set-up as laid under the RTE Act fails to conform to the standards of independence and neutrality to effectively enforce the rights which would compensate for the lack of access to the judiciary. The Grievance Redressal Mechanism mentioned under the RTE Act is local authority. The definition of local authority is vast enough to include Municipal Corporation, Zilla Panchayat and any other local authority. This tends to create a conflict of interest with respect to hierarchy in local bodies. As per the hierarchy, at the lower level is the Panchayat, and above that is the Zilla Panchayat. This assigns the power to redress the grievances to the multitude of institutions at the same time that, too, belong to a different hierarchy under the administrative setup, thereby creating doubts upon neutrality and independence of quasi-judicial bodies.

There is a lack of clarity in terms of the powers of the Grievance Redressal Authorities to adjudicate the matters. Although the RTE Act empowers the authorities to accept written complaints pertaining to the rights of the child, it is not clear whether this power covers all the provisions of the Act and the rules made by the respective states, including non-implementation of the provisions of the RTE Act, 2009. Under the RTE Act, duties are cast upon the appropriate government to implement provisions of the Act. This further creates ambiguity as to whether the local authority can adjudicate the matters against the government, which otherwise is subordinate to the government in the administrative setup.

Similarly, some of the provisions under the RTE Act are directions to the central and state governments relating to the sharing of financial responsibilities, the development of curriculum, the enforcement of standards for teacher training, and so on. Whether violations of these duties would constitute a justiciable cause of action is not clear under the Act.

The Act is silent pertaining to the remedial or penal provisions for violation of rights mentioned under the Act as they fail to define the consequences of violations. Although in certain cases, the consequence is clear on the face of it, in some cases pertaining to the duties of the government, local authorities, teachers and parents, there is a lack of clarity in the event of an infringement of the same.

The RTE Act, 2009 therefore suffers with severe drawbacks pertaining to the Grievance Redressal Mechanism with respect to the constitution, Independence, neutrality and principles of natural justice.

Through empirical study, it was ascertained that majority of the stakeholders including parents are unaware about the Grievance Redressal Mechanism. In addition to it, Parents are unwilling to resort to complaint with the fear of it affecting negatively to the child. In view of the above, local authority have not received any complaints till date pertaining to the violation of Right to education.

Under the RTE Act, appellate powers are given to the Goa State Commission for Protection of Child Rights. The Act is however silent about the time limit for disposal of cases. This further creates possibility of delay in the matter adjudication. Majority of the parents had issues pertaining to charging of capitation fees. However for want of proof and fear of harassment to their child, none of the parents were willing to institute official complaint against the schools.

5.2 Suggestions:

5.2.1. To enhance enrolment and retention

Under the RTE Act, 2009, Comprehensive and Continuous Evaluation (CCE) is adopted to identify the learning gaps, difficulties and to provide necessary interventions in assisting students in their studies. Although it was noticed that all the schools implemented the CCE Mechanism, yet the teachers found it difficult to ensure effective

compliance with the statutory requirement of CCE on account of vast syllabus and higher pupil ratio. It is therefore necessary that the curriculum be adapted and reduced which will effectively contribute in CCE. Pupil Ratio was recommended for 1:20.

Effective use of educational technology i.e. virtual classrooms through Learning Management Systems. Interactive panels, Audio visual Apps, AI generated applications are likely to influence student learning and retention thereby combating low level student engagement. It is therefore suggested that educational institutions need to upgrade their classrooms and effectively train the teachers to use the technology.

Government has launched the initiative of One Nation One ID through APAAR which stands for Automated Permanent Academic Account Registry. It is a lifelong ID number issued to all the students enrolled in pre-primary school which continues till the completion of the studies. This enables the government to track the academic journey and achievements. Any dropouts can be traced through this ID and with proper interventions, can be re enrolled back to school. The "One Nation, Single Student ID" framework aims to provide students with access to resources like DigiLocker for academic records and skill certifications. However, the initiative has faced delays due to challenges such as consent collection, privacy concerns, and a lack of clarity. These delays are primarily attributed to logistical hurdles, including organizing parental consent meetings, and technical difficulties in linking Aadhaar with the Student Achievement Tracking System (SATS). It is therefore suggested that this system needs to be properly operationalized and implemented by having proper safety and security concerns. To accelerate the process, the state government should instruct the schools to enhance their outreach efforts. Special campaigns and weekend meetings should be organized to educate parents about the benefits of the APAAR ID, such as streamlined access to academic records, comprehensive report cards, and secure storage of achievements in DigiLocker.

It was noticed that many schools did not have proper library facilities. Certain schools with libraries were not adequately equipped with newspapers, books, and the KINDLE necessary to cultivate reading habits. It is, therefore, pertinent that the library is equipped with the necessary resources. This is likely to create interest in reading and eventually interest in the studies. The Directorate of Education should mandate that at least 3% of grants be allocated to library resources and ensure strict compliance by requiring schools

to submit detailed reports on the amount spent on library resources annually. Additionally, schools should dedicate one lecture per week as a library period to foster a habit of reading among students.

Similarly, most of the teachers were of the opinion that the syllabus is outdated and has no practical significance. The syllabus needs to be updated to keep up with the changing needs and advancements. This is likely to create abundant interest among the children to learn new things in an effective manner. Introducing life skills courses in schools is essential to equip students with practical abilities like critical thinking, communication, decision-making, and emotional resilience. These courses not only prepare children to handle real-world challenges but also make learning more engaging and relevant to their lives. By integrating activities such as teamwork exercises, problem-solving tasks, and self-management workshops, schools can foster a sense of curiosity and active participation, creating a more enjoyable and enriching educational experience.

Schools should establish a robust system to monitor daily attendance and promptly identify students with frequent absences or irregular attendance patterns. A dynamic database should be maintained, capturing detailed profiles of students, particularly those from vulnerable backgrounds, such as children of migrant labourers. This database should include records of attendance, family mobility patterns, and other relevant factors to help identify and categorize students at high risk of dropping out. School authorities, in collaboration with local officials like the sarpanch or municipal representatives, should conduct home visits for students with prolonged absences to understand their challenges and provide necessary support. Additionally, local authorities can work with community leaders and organizations to reach migrant families and other at-risk groups, ensuring they are aware of available resources and opportunities.

Awareness campaigns should be organized to emphasize the importance of education, the long-term benefits of schooling, and legal mandates such as the Right to Education Act. Counselling sessions for parents, particularly migrant labourers, can help them explore options for enrolling their children in schools near temporary work locations or utilizing government programs to ensure education continuity. Schools should hold regular meetings with parents to address attendance issues and foster trust. Bridge courses or special classes should also be offered to help these children catch up on missed curriculum and integrate smoothly into the school system.

5.2.2 Infrastructural Requirements

During the onslaught of the pandemic, the educational institutions seemed unprepared to tackle the adversities on account of inadequate infrastructure, resulting in violation of the fundamental rights of children. Digitization of the schools is a must. The majority of the schools, including government schools, did not have internet facilities or computers to access. This acted as an impediment to imparting quality education during the pandemic. State governments, therefore, need to financially assist the schools to make them digitally compliant and accessible. All the schools need to have an internet facility with a minimum of 1 computer for 10 students. The computers need to be equipped with the latest software in the nature of Prodigy Math, Study Sync, and Flocabulary, which integrates learning adaptable to the student's need and abilities.

Secondly all the schools need to have functional toilets, separate for boys, girls and for Children with Special Needs (CWSN). International standards recommend a toilet-to-student ratio of 1:25 for girls and 1:40 for boys.⁴⁷⁷ The RTE Act, 2009, could be amended to include similar provisions, setting a minimum ratio of 1:50 for girls and boys, respectively. All the Schools need to have a separate room for Headmasters which is one of the norms specified under the RTE Act, 2009. The majority of the schools do not have the basic facilities of ramps and handrails, making it difficult for CWSN to seek admission. It is therefore necessary that suitable arrangements are made of ramps and handrails. It was noticed that some schools did have ramps facility, but on account of structure in the form of building, it was difficult for CWSN to climb the floors with ease. In some schools, laboratories and library was on different floors making it inaccessible to CWSN. As such it is necessary that schools in a building structure, have provision for Lift facility making all the facilities of the school accessible. CBSE has issued guidelines for CWSN in line with the provisions of the RPWD Act, 2016, to promote inclusive education. These guidelines are mandatory for all CBSE-affiliated schools and those applying for affiliation with the Board which are as follows - Schools should ensure accessibility for all by constructing proper lifts or ramps to access all floors and maintaining separate CWSN toilets for girls and boys on each floor. Pathways, entrances, and surfaces must be firm, level, slip-resistant, and free of obstructions to accommodate students and staff, including those with disabilities.

Walkways should be clear of sharp turns and protrusions, with handrails and guardrails provided at hazardous points. Doorways should meet minimum width standards for ease of access, and tactile pavers in bright colours should mark changes in slope or stairs. Non-slip flooring and well-maintained, paved surfaces are essential for safety and comfort. Goa Board can incorporate similar guidelines for all the schools in Goa to promote inclusive education and to make schools accessible not just for children but also for teachers, staff and parents with disability.

It is seen that some of the schools have not complied with the directives of the RTE Act, 2009 in terms of Norms and standards, which include infrastructure, playgrounds, and teaching equipment, etc., under the RTE Act, 2009. De-recognition of schools under section 19 of the RTE Act, 2009 is an important tool through which the government can seek compliance of all the schools to the statutory requirements of the RTE Act, 2009.⁴⁷⁸ Till today, none of the schools have been de-recognized for violation of the RTE Act, 2009. It is, therefore, essential that the Directorate of Education implements this provision to the core and derecognize the schools for failure to comply with the statutory norms. Section 26 of the Goa School Education Act, 1984 provides for inspection of schools once in a financial year.⁴⁷⁹ However, it is suggested that regular inspections need to be carried out by the government, preferably once a month, to ensure compliance with the statutory requirements of the RTE Act, especially with regard to the norms mentioned under section 19 and the schedule annexed to the RTE Act, 2009.⁴⁸⁰

It was further noticed that some schools took advantage of the gaps in the RTE Act, 2009 and sought compliance of the same. It was found that some schools showed small

⁴⁷⁸ 19. Norms and standards for school.—(1) No school shall be established, or recognised under section 18, unless it fulfils the norms and standards specified in the Schedule. (2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement. (3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof. (4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function. (5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

⁴⁷⁹ The Goa School Education Act, 1984 , Section 26. Inspection of Schools.- (1) Every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed.

⁴⁸⁰ The RTE Act, 2009, Section 19. Norms and standards for school.—(1) No school shall be established, or recognised under section 18, unless it fulfils the norms and standards specified in the Schedule.

spaces as playground and ensured compliance. Similarly, a room with minimal books was shown as library. Sports equipment's had no correlation to the total number of students thereby depriving students to engage in sports. This, in effect, violated the very purpose of inclusion of norms and standards pertaining to the facilities. It is therefore suggested that the RTE Act, 2009 be amended to include specification pertaining to the minimum area of the playground required for the school. Shortage of area can be tackled by combining one playground for around two nearby schools. Similarly, adequate instructions to be issued to all the schools to maintain library with sufficient number of newspapers and books notified. In addition to it, adequate sports equipments for games such as football, volleyball, cricket including indoor games should be adequately provided to the students.

During the field visits, it was noticed that some schools, especially in remote areas, were in a dilapidated condition, posing a risk to the lives of children and staff. The Guidelines on School Safety Policy, 2016, issued by the National Disaster Management Authority (NDMA) of India, provide a comprehensive framework to ensure the safety and well-being of children in schools. The policy emphasizes creating a safe learning environment by addressing risks from natural disasters, accidents, and human-induced threats. It highlights the importance of integrating safety measures into school infrastructure, management practices, and daily operations. Schools are encouraged to conduct regular hazard and risk assessments, adopt child-centred disaster risk reduction strategies, and ensure compliance with safety norms outlined in various building codes and regulations. A key aspect is the preparation of a School Disaster Management Plan (SDMP), covering aspects like evacuation drills, capacity building of staff and students, and establishing a robust communication system for emergencies.⁴⁸¹

The guidelines also stress the role of stakeholders, including school authorities, local governments, parents, and students, in fostering a culture of safety. It advocates for regular training and awareness programs, mock drills, and the inclusion of disaster management concepts in the school curriculum. Specific recommendations are made for retrofitting unsafe structures, ensuring accessibility for children with disabilities, and maintaining a safe and hygienic environment. The policy underscores the importance of

⁴⁸¹ See National Disaster Management Guidelines, School Safety Policy, issued by National Disaster Management Authority, Government of India, February 2016.

coordination between schools, district disaster management authorities, and other government bodies to implement safety measures effectively. By adopting these guidelines, schools can minimize risks and ensure the safety, security, and resilience of children during emergencies.

Despite the Goa Government issuing a circular mandating compliance with NDMA guidelines, some schools are still not adhering to them.⁴⁸² As such it is required Directorate of Education must ensure that the ‘Recognition Certificate’ under sub-rule (4) of Rule 15 of the Right of Children to Free and Compulsory Education Rules, 2010, is granted only to schools that fully comply with the safety norms specified by the Hon'ble Supreme Court of India in Writ Petition (Civil) no. 483 of 2004 in the matter of Avinash Mehrotra (Petitioner) Versus Union of India & Others (Respondents)⁴⁸³, guidelines mentioned in the NDMA Policy, National Building Code-2005 and the Manual on Safety and Security of Children in Schools Developed by National Commission for Protection of Child Rights.⁴⁸⁴ The Manual on Safety and Security of Children in Schools, developed by the National Commission for Protection of Child Rights (NCPCR), provides comprehensive guidelines to ensure a safe, secure, and child-friendly environment in schools. It emphasizes the importance of creating robust safety policies, including measures for physical, emotional, and social well-being. The manual outlines preventive and responsive mechanisms, such as infrastructure audits, child protection committees, training for school staff, and clear protocols for addressing emergencies, bullying, and abuse. It promotes awareness of child rights and adherence to legal frameworks like the Juvenile Justice Act and POCSO Act, ensuring accountability through regular monitoring and grievance redressal systems. The goal is to foster an inclusive and nurturing atmosphere conducive to learning and development.⁴⁸⁵

Regular monitoring must be conducted to ensure continued adherence to these safety standards.

⁴⁸² See Circular No Acad/Misc/pt.fileIII/2014-15/2401, dated 30/10/2017, issued by the Directorate of Education, Government of Goa.

⁴⁸³ Writ Petition (Civil) No.483 Of 2004

⁴⁸⁴ See Manual on Safety and Security of Children in Schools, Developed by National Commission for Protection of Child Rights (Sep 2021)

⁴⁸⁵ Ibid

5.2.3 Grievance Redressal Mechanism

As per the RTE Act, 2009, the local authority has primary jurisdiction to try cases or complaints. Similarly, as per the Advisory on implementations of sections 31 and 32 of the RTE Act, 2009 issued by Government of India, Ministry of Human Resource Development, Department of School Education and Literacy, dated 14th February, 2012, all the state government were held responsible to identify and notify the local authorities to act as grievance Redressal Authority. However, Goa Government has separately not notified any specific local authority having jurisdiction to try the complaints. The definition of the term Local authority under The Goa Right of Children to Free and Compulsory Education Rules, 2012, includes a Municipal Corporation or Municipal Council or Zilla Parishad or Nagar Panchayat or Panchayat by whatever name called and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village, which by itself is vague and is causing confusion amongst the stakeholders to approach concerned grievance redressal authority. It is therefore pertinent that the state government notifies a specific local authority as required to be done as per the RTE Act, 2009 and create awareness about it amongst the stakeholders.

5.2.4 Amendment of the RTE Act, 2009

The following Amendments to the RTE Act of 2009 are proposed to reinforce its provisions and promote the effective realization of the fundamental right to education.

a. Grievance redressal authority

Under the RTE Act, 2009, Local authorities have the jurisdiction to try the matters under the Act. In addition to it, local authorities are also entrusted with the duty of complying with the requirements of the RTE Act, 2009. This violates the basic principles of natural justice. As such, the state need to amend the law in order to notify an independent grievance redressal authority to hear and dispose of the complaints pertaining to the right to education. Such an independent body should be composed of persons knowledgeable in law along with persons actively working in the field of education. In light of the above, it is recommended that an independent body be established, comprising representatives from the Directorate of Education, schools, educationists, and a legal expert, to ensure that matters are addressed fairly and in adherence to the

principles of natural justice. Additionally, the committee should have a term of five years, after which a new committee will be constituted to uphold neutrality and impartiality.

The RTE Act, 2009 lays down norms and standards to be complied with by the schools, which include infrastructure, provision for boundary walls, pupil-teacher ratio, playground teaching equipment, etc. The schedule annexed to the RTE Act, 2009, pertaining to these norms and standards, merely mentions the requirement without providing detailed specifications such as the area of the playground and the total number of teaching equipment. It is therefore suggested that the norms and standards as laid under the RTE Act, 2009 need to be detailed more specifically as the absence of it permits schools to take advantage of the loopholes and refrain from de-recognition of the school.

b. Specific penal provisions should be incorporated under the Right to Education (RTE) Act, 2009, particularly addressing violations of duties assigned to the government, schools, and teachers. These violations, which infringe upon a child's fundamental right to education, must be accompanied by penalties. In addition to disciplinary actions against the head of the institution and teachers, such penalties should include fines, suspension, or termination of employment for individuals found guilty of non-compliance. These measures will ensure greater adherence to the provisions of the Act and promote accountability within the education system.

c. The RTE Act includes CWSN within the definition of the child. However, no specific provisions have been incorporated to support the education of CWSN. Norms and standards specified under the RTE Act, 2009 do not cater to the needs and requirements of CWSN, with the exception of the requirement for special trainers. To promote inclusive education, major changes need to be incorporated into the education system, especially incorporating the requirements mandated under The Rights of Persons with Disabilities Act, 2016 including teaching methodology, pedagogies, infrastructure, etc, for which the RTE Act, 2009 needs to be accordingly amended. It should be mandatory for all the schools to have lift facilities, ramps, disabled-friendly toilets, braille books in the library and provision of wheelchairs. Sections 16 and 17 of the RPWD Act 2016 focus on promoting inclusive education for persons with

disabilities. Section 16 mandates educational institutions to provide accessible infrastructure, individualized support, and trained educators to ensure equal learning opportunities for students with disabilities.⁴⁸⁶ Section 17 outlines specific measures, including the use of accessible formats, assistive technologies, and teacher training, while ensuring participation in academic and extracurricular activities.⁴⁸⁷ Together, these sections emphasize creating a barrier-free and inclusive environment that fosters the holistic development and integration of persons with disabilities into mainstream education.

d. No Detention Policy mandates that no child from standard I to VIII shall fail and is required to be promoted to the next class. This was mainly introduced to avoid wastage and stagnation in the educational system. However, as part of the empirical study, it was seen that most of the teachers and the Heads of the Institution opined that

⁴⁸⁶ The Rights of Persons with Disabilities Act, 2016, Section 16. Duty of educational institutions.—The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall— (i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others; (ii) make building, campus and various facilities accessible; (iii) provide reasonable accommodation according to the individual's requirements; (iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion; (v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication; (vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them; (vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; (viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

⁴⁸⁷ The Rights of Persons with Disabilities Act, 2016, Section 17. Specific measures to promote and facilitate inclusive education.—The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:— (a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met: Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act; (b) to establish adequate number of teacher training institutions; (c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability; (d) to train professionals and staff to support inclusive education at all levels of school education; (e) to establish adequate number of resource centres to support educational institutions at all levels of school education; (f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to 11 fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society; (g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years; (h) to provide scholarships in appropriate cases to students with benchmark disability; (i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses; (j) to promote research to improve learning; and (k) any other measures, as may be required.

the No Detention Policy merely delays the incidence of dropout and does not necessarily guarantee completion of education. Similarly, students who have completed elementary education with the benefit of the No Detention Policy do not exhibit the necessary qualifications in conjunction with the promotion. It is, therefore, necessary to eradicate the NO Detention Policy and devise policies that would develop interest among children in education. However, it is strongly advocated that it is important that schools assess children's learning outcomes and assist in learning rather than exhibiting pressure from the assessment on the students. No Detention Policy ought to be utilized by schools to ease the pressure of examinations on children, thereby making learning fruitful and effective.

e. The purview of the RTE Act needs to be extended to preschool and anganwadis as it forms part of the educational requirement specified under NEP 2020.

f. Under section 32(2) of the RTE Act, 2009, a three-month time period is given to the local authority to resolve the dispute.⁴⁸⁸ However, no such time limit is prescribed to the Appellate authority. It is therefore suggested that the time limit of three months should also be applicable to the Appellate authority.

To promote the universalization of elementary education, it is crucial to provide teachers with a diverse range of specialized training programs that address the multifaceted challenges of modern education. In addition to training on technological advancements, teaching-learning tools, and inclusive education, teachers require focused programs on child psychology and development to better understand and respond to the unique learning needs of young students.

Training on classroom management techniques is essential to create an engaging and disciplined learning environment, while sessions on community engagement can empower teachers to collaborate with parents and local stakeholders in promoting

⁴⁸⁸ The Right to Free and Compulsory Education Act, 2009 Section 32. Redressal of grievances.—(1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction. (2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

education. Furthermore, teachers must be equipped with skills to implement activity-based and experiential learning strategies, which make lessons more interactive and relevant to students' lives.

Workshops on gender sensitivity, cultural diversity, and addressing socio-economic disparities are also critical to ensure equitable access to education for all children, irrespective of their background. Additionally, specialized training for identifying and supporting children at risk of dropping out, as well as those requiring remedial education, can play a significant role in retaining students and bridging learning gaps.

By addressing these diverse areas, teacher training programs can strengthen the foundation of elementary education and ensure that every child, regardless of circumstances, benefits from quality and inclusive learning opportunities

There is a need to operationalize a system where local authority maintains records of all children up to 14 years of age within their jurisdiction, including the record of Out of school children within its jurisdiction as mandated by the RTE Act 2009, failing which following punitive actions need to be taken against the sarpanch and the secretary of the concerned local authority. Imposition of a monetary fine on the sarpanch and the secretary of the concerned local authority for failing to maintain the required records or for not ensuring compliance with the mandate of the RTE Act 2009. Suspension of the sarpanch or secretary from their official duties until the issue is rectified, and consequent initiation of disciplinary proceedings as per the local government or administrative framework to address negligence in duty, or permanent removal in cases of repeated failure. Suspension of benefits, allowances, or other entitlements for the sarpanch and secretary.

In addition to it, local authorities should ensure, through various activities in the nature of awareness programmes to the parents, that all the Out of School children are admitted back to the school.

Awareness programmes need to be organised for the parents about the provisions of law pertaining to the educational rights of children and specifically about the grievance redressal mechanisms in the wake of violation of rights. It was noticed during the empirical study that most of the schools charged capitation fees by pressurizing the parents and issuing receipts under the name of some independent organization without

mentioning the name of the school. It is therefore suggested that parents need to be educated on this aspect to refuse to provide capitation fees and to lodge appropriate complaint against the school authorities to stop the menace.

5.3 Scope for further study

In the present study, the researcher focused on a specific aspect of the fundamental right to education, namely, the Universalization of Elementary Education and its implementation within the state of Goa. Consequently, the study had a limited scope. However, the following areas present opportunities for further research:

- a. A comprehensive study could be undertaken on Inclusive Education, encompassing children with special needs (CWSN) and other marginalized groups, including an in-depth analysis of gender parity. In the current study, only one aspect of inclusive education specific to CWSN was explored.
- b. Further research could examine the rights of minority schools in the context of the Right to Free and Compulsory Education Act, 2009, providing greater insight into this critical issue.
- c. While this study made a minor attempt to assess the impact of the COVID-19 pandemic on the fundamental right to education—given that the pandemic occurred during the research timeframe—a more detailed investigation is needed to understand its long-term effects on children’s education.
- d. As the National Education Policy (NEP) 2020 was recently implemented in Goa, an extensive study could be conducted to analyse its effects on the state’s educational system.

5.4 Conclusion

Goa has made commendable progress in ensuring the availability of schools and achieving high enrolment rates in its efforts toward the Universalization of Elementary Education. However, significant challenges persist, particularly in the provision of essential facilities such as libraries, computers, and internet access, which are critical for comprehensive learning. Inclusive education remains a pressing concern, with inadequate infrastructure to support children with special needs (CWSN). Changing societal mindsets towards inclusive education is equally important to foster a culture of acceptance and equality. Strengthening the RTE Act through amendments to address

these gaps and incorporate more robust provisions for inclusivity and infrastructure will be instrumental in achieving the vision of equitable, accessible, and quality education for all children in Goa. Comprehensive reforms must prioritize creating barrier-free infrastructure, including ramps, lifts, accessible classrooms, and assistive learning tools, alongside targeted teacher training programs to foster inclusivity.

Additionally, there is a need to enhance awareness about grievance redressal authorities among parents, teachers, and students to ensure timely resolution of issues related to accessibility, quality, and rights violations. Strengthening the RTE Act through amendments to include more stringent provisions for inclusive education and mandating accountability for non-compliance will be crucial. By addressing these gaps and promoting a culture of inclusivity and awareness, Goa can truly achieve the vision of universal, equitable, and quality elementary education for all its children.

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Annexure I
Respondent No 1: Heads of the Institution

1. Email Id: _____

2. Name of the School: _____

3. Type of School:

- a. Government School
- b Aided School
- c. Unaided (Private) School
- d. Kendriya Vidyalaya/ Navodaya School

4. Location of the school

- a. North Goa
- b. South Goa

5. Sub location of the school

- a. rural area
- b. urban area

6. category of school

- a. Co-ed School
- b. All girls school
- c. All boys school

Enrolment and Dropout

7. Is there age specific enrollment taking place in the school

- a. Yes
- b. No

8. Is there any dropout in the school?

- a. Yes
- b. No

9. What is the average dropout percentage in the school?

10. What are the common reasons for the dropout of the school students?

11. What is the average rate of retention of students?

12. What special efforts and initiatives are taken by the school to retain the students?

13. Does the school cater to the needs of the neighbourhood students or beyond that?

a. Yes

b. No

c. Other (specify) _____

14. How many schools are there in and around the area?

15. What is the average percentage of enrollment of students in the school?

16. What procedure is adopted to enroll the students in the school?

17. Does the School follow 'No Detention Policy till standard VIII'?

a. Yes

b. No

18. What is your opinion on 'No Detention Policy'?

Inclusive Education

19. Does the school has provision for Inclusive education ?

a. Yes

b. No

20. Is the infrastructure of the school disabled friendly?

a. Yes

b. No

21. How children with special needs accommodated with the other students in the

school?

22. Are there special trainers for children with disabilities?

a. Yes

b. No

23. Children with which type of disability have been enrolled in the school?

24. What policies the school adopt for inclusive education?

25. Which parameters are considered for admission and class allotment of children with disabilities in inclusive schools?

26. What support does the school management provide regarding in service training of teachers in the field of education?

27. What support does the school management provide to the Principal and Teachers to implement inclusive education practices in elementary school?

28. Which are the areas that the teachers need to be trained to deal with children with sensory and locomotor impairment as perceived by the Principal and teachers?

29. What is the status of availability of resource / special teachers to support the implementation of inclusive education in school?

30. Does your school admit students under CWSN(Child with Special needs)?

a. Yes

b. No

31.If Yes, how many students have been admitted in your school under CWSN as per the Act?

32. Whether CWSN is attending the school regularly?

- a. Yes
- b. No

33. If no, what are the reasons for the same?

34. Whether CWSN are able to cope with other regular children?

- a. Yes
- b. No

35. Whether training module is available for CWSN?

- a. Yes
- b. No

36. Whether any aid, equipment, and appliances have given to CWSN?

- a. Yes
- b. No

37. If yes, what type of equipments are provided?

38. How many CWSN have successfully completed elementary education?

39. What techniques are used to teach slow learners or partially mentally retarded children?

Infrastructural requirements

40. Does the school have adequate infrastructural facility necessary for the students?

- a. Yes
- b. No

41. Is there provision for the toilets for the staff and students?

- a. Yes
- b. No

42. Are there separate toilets for girls and boys?

- a. Yes

b. No

43. Is there facility for safe and adequate drinking water for children in the school premises?

a. Yes

b. No

44. Is there any playground attached to the School?

a. Yes

b. No

45. What is the approximate area of the playground?

46. Is there a single teacher classroom in the school?

a. Yes

b. No

47. What is the pupil teacher ratio in the school?

48. Whether your school has barrier free access for children?

a. Yes

b. No

49. Whether the school has boundary wall?

a. Yes

b. No

50. If yes, what is the type of boundary wall?

51. Whether school has Teaching learning equipment for all subjects? Name them.

52. Whether teachers are using all these Teaching learning equipment in the classroom?

a. Yes

b. No

53. Whether play material, game, and sports equipment are available in your school?

a. Yes

b. No

54. Whether all teachers are trained in your school?

a. Yes

b. No

55. Is there proper and safe transport facility available to children to reach school?

a. Yes

b. No

56. what are the total minimum number of working days in the school?

57. Is there any School management Committee Constituted in the School?

a. Yes

b. No

58. Are teachers part of School Management Committee?

a. Yes

b. No

59. What is the role of School Management Committee?

60. Are any special classes conducted for weak students?

a. Yes

b. No

61. Are regular meetings conducted with the parents to inform them about the performance of their children?

- a. Yes
- b. No

62. How often such meetings are conducted in a year?

63. Are teachers been allotted any non educational duty other than census and election ?

- a. Yes
- b. No

64. If yes, name the type of duties allotted?

Issues in elementary education system

65. What problems are you facing for discharging duties and responsibilities given in the RTE Act, 2009?

- a. Especially in relation to: Admission of all children

66. What problems are you facing for discharging duties and responsibilities given in the RTE Act, 2009?

- b. Attendance of students

67. What problems are you facing for discharging duties and responsibilities given in the RTE Act, 2009?

- c. Preparing and recommending school development plan.

68. What problems are you facing for discharging duties and responsibilities given in the RTE Act, 2009?

- d. Monitoring utilization of the grants.

69. What problems are you facing for discharging duties and responsibilities given in the RTE Act, 2009?

- e. Providing quality education

70. What problems are you facing for discharging duties and responsibilities given in the RTE Act, 2009?

f. Drop outs

71. What are the problems for implementing the RTE Act in your school?

72. What is the achievement of your school since the implementation of the RTE Act, 2009?

73. Please suggest measures be taken for implementing the RTE Act, 2009 in your school.

74. Suggestions to improve the elementary education system

Education during Covid Pandemic

75. What difficulties were faced by the institution to impart education during Covid pandemic?

76. How the difficulties were tackled?

77. Did the Institution receive any support from the government?

a. Yes

b. No

78. How are the lectures conducted during Covid pandemic

79. Is there proper internet connection to conduct lectures?

a. Yes

b. No

80. Any special help given by the school to the students during covid pandemic?

81. Was proper training given to the teachers to teach through online mode?

- a. Yes
- b. No

82. what difficulties were faced by students to attend lectures through online mode?

83. what is the status of attendance of students for online lectures?

84. What efforts are being made to reach out to those students who are unable to attend lectures due to internet problem?

85. Any suggestions to impart effective education during Covid pandemic

Child Rights

86. Have you ever found any violation of child rights in the school?

- a. Yes
- b. No

87. If yes, can you specify the type of rights violation?

88. If yes, any action was taken pertaining to it?

89. Whether commission for protection of child rights (CPCR) is examining and reviewing the safeguards of child rights in your school?

- a. Yes
- b. No

90. Have you ever come across about physical punishment and mental harassment by the teacher to children?

- a. Yes
- b. No

91. Whether toll-free numbers are available in the school for students for registering complaint to the authority for violation of rights?

- a. Yes
- b. No

Annexure II
Respondent No II: Teachers

1. Email
2. Name of the Respondent(Optional)
3. Name of the school in which you are employed.
4. Gender
5. Age
6. Nature of appointment
 - a. Permanent (Regular)
 - b. Contract basis
 - c. lecture basis
 - d. visiting faculty
 - e. Other (Specify)_____
7. Category of school in which you are teaching
 - a. Government school
 - b. Aided School
 - c. Unaided (Private) School
 - d. Kendriya Vidyalaya/ Navodaya
8. The area in which your school is located
 - a. North Goa
 - b. South Goa
9. In which sub area your school is located?
 - a. Rural
 - b. Urban
10. Type of School
 - a. Co-ed
 - b. All girls School
 - c. All boys School
11. What is your teaching experience?

12. Which section of students do you teach?
 - a. Pre Primary
 - b. Primary
 - c. upper Primay
 - d. Secondary

Awareness about the RTE Act, 2009

13. Are you aware about the Right to Free and Compulsory Education Act, 2009(RTE Act, 2009)?

a. Yes

b. No

14. Are there separate toilets for girls and boys

a. Yes

b. No

15. Is there facility for safe drinking water for children in school?

a. Yes

b. No

16. Is there playground attached to the school?

a. Yes

b. No

17. Are the school students provided with Mid Day Meal?

a. Yes

b. No

18. Is the school building secured by boundary wall or fencing?

a. Yes

b. No

19. Is there proper and safe transport facility available to children to reach school?

a. Yes

b. No

Teaching requirements

20. what are the total minimum number of working days in the school?

21. what are the total minimum number of working hours per week for the teacher?

22. Do you make use of any teaching learning equipment?

a. Yes

b. No

23. If yes, name the equipment used for teaching.

24. Does the school have library?

a. Yes

b. No

25. Name the types of reading material available in the library.

26. Are there any play material or sports equipment available in school?

- a. Yes
- b. No

27. Are you aware about the infrastructural requirements for the schools under the RTE Act, 2009?

- a. Yes
- b. No

28. Does the school follow NO Detention policy upto standard eighth?

- a. Yes
- b. No

29. Is there any School management Committee Constituted in the School?

- a. Yes
- b. No

30. Are teachers part of School Management Committee?

- a. Yes
- b. No

31. What is the role of School Management Committee?

32. Are any special classes conducted for weak students?

- a. Yes
- b. No

33. Did you undergo any training programme meant for teachers after 2009?

- a. Yes
- b. No

34. If Yes, how many time you have been part of this training?

35. Which authority has conducted this training?

36. Are regular meetings conducted with the parents to inform them about the performance of their children?

- a. Yes
- b. No

37. How often such meetings are conducted in a year?

38. Is the syllabus appropriate to complete within the time limit prescribed?

- a. Yes
- b. No

39. Are the school buildings, classrooms and toilets handicapped friendly?

- a. Yes
- b. No

40. Any suggestions or improvements required in the school.

Education during Covid times

41. What difficulties were faced by you as a teacher to impart education during Covid pandemic?

42. How are the lectures conducted during Covid pandemic?

43. Is there proper internet connection to conduct lectures?

- a. Yes
- b. No

44. Are you comfortable to teach through online mode?

- a. Yes
- b. No

45. Was proper training given to teach through online mode?

- a. Yes
- b. No

46. what difficulties were faced by the students to attend lectures through online mode?

47. what is the status of attendance of students for online lectures?

48. What efforts are being made to reach out to those students who are unable to attend lectures due to internet problem?

49. Any suggestions to impart education during Covid pandemic.

Annexure III
Respondent No III: Parents

1. Email
2. Name of the Respondent
3. Age
4. Educational qualification
5. Employment status
6. Area to which you belong to
 - a. Rural
 - b. Urban
7. District
 - a. North Goa
 - b. South Goa

Information about your child and school

8. Are you aware about the Right to Free and Compulsory Education Act, 2009?
 - a. Yes
 - b. No

9. How old is your child?

10. In which school is your child studying?

- a. Government School
- b. Aided School
- c. Unaided (Private) School
- d. Kendriya Vidyalaya/Navodaya

11. In which area is the school of your child located?

- a. Rural
- b. Urban

12. Does the school have proper infrastructural requirements for the proper development of your child?

- a. Yes
- b. No

13. Is the infrastructural provision in the school according the norms laid under RTE Act, 2009?

- a. Yes

- b. No
- c. Not aware

14. Does the school charge any fee which amounts to donation?

- a. Yes
- b. No

15. If yes, how much is charged by such school?

16. Did you ever tried to complain against the school for charging donations?

- a. Yes
- b. No
- c. Not applicable

17. If yes, before which authority you complained about it?

18. If No, what is the reason for not complaining?

19. Are any fees charged by the school for elementary education of your child?

- a. Yes
- b. No

20. Does the school follow any screening procedure at the time of admission?

- a. Yes
- b. no

21. If yes, what are the details of such screening procedure?

22. How far is the school from your place of residence?

23. what is the distance of the nearest school from your residence?

- a. 1 km
- b. 3 Km
- c. 5 Km
- d. More than 10 km

24. if you have chosen school which is farther from your place of residence, what is the reason for the same?

25. Did your child take transfer to some other school to pursue his elementary education?
a. Yes
b. No

26. If yes, what was the reason for the same?

27. Did the child face any difficulty in getting admission to another school?

28. If Yes, what difficulties were faced?

29. Are you aware of your duties as parent under Right to Education Act, 2009 (RTE Act 2009)?
a. Yes
b. No

30. Does the school follow No Detention Policy?
a. Yes
b. No

31. Is there any case of physical punishment or mental harassment in the school either with your child or with other children?
a. Yes
b. No
c. Not aware.

32. If Yes, provide details of the same.

33. Is there School Management Committee in the school?
a. Yes
b. No
c. Not aware

34. If Yes, are you member of such School Management Committee?
a. Yes
b. No

35. if yes, how you have contributed in school Management plan?

a. Yes

b. No

36. Are you satisfied with the curriculum and evaluation procedure in school?

a. Yes

b. No

37. If No, what is the reason?

38. Does the school follow continuous evaluation for children?

a. Yes

b. No

39. Are you aware about the grievance redressal authorities in the event there is violation of child rights pertaining to education?

a. Yes

b. No

40 If Yes, name the authorities.

41. Have you ever filed any complaint before the grievance redressal authorities for violation of child rights?

a. Yes

b. No

42. If yes, before which authority such complaint was filed?

43. Are you satisfied with the functioning of the school?

a. Yes

b. No

44. Any area where the school needs improvement?

45. Any difficulty faced in the current educational system?

46. Any suggestion to improve the quality of elementary education in Goa.

Annexure IV
Respondent No IV: Children

1. Name

2. Age

3. In which standard are you studying?

- a. Std V
- b. Std VI
- c. Std VII
- d. Std VIII

4. In which school are you studying?

- a. Government School
- b. Aided School
- c. Unaided (Private) School
- d. Kendriya Vidyalaya/ Navodaya School

5. Does your school have playground to play?

- a. Yes
- b. No

6. If Yes, is the playground big enough to play comfortably?

- a. Yes
- b. No

7. Does your school have library?

- a. Yes
- b. No

8. If yes, what type of books are there in the library?

9. Does your school have separate toilet for boys and girls?

- a. Yes
- b. No

10. Does your school have provision for electricity?

- a. Yes
- b. No

11. Does your school have facility for clean drinking water?

- a. Yes
- b. No

12. Does your schools have sports equipments required to play?

- a. Yes
- b. No

13. Is there smart board or blackboard in your class?

- a. Smartboard
- b. Blackboard
- c. Both of the above
- d. None of the above

14. Is there a boundary wall to the school?

- a. Yes
- b. No

15. If yes, what type of boundary wall is it?

- a. Kaccha wall
- b. Pucca wall
- c. wired boundary wall

16. Are computers available in the school?

- a. Yes
- b. No

17. Is there internet facility in school?

- a. Yes
- b. No

18. Are there ramps and handrails facility in school?

- a. Yes
- b. No

19. Is there provision for Lift in school?

- a. Yes
- b. No

Accessibility to School

20. How far is the school located from your house?

21. How do you travel to school?

- a. by Bus
- b. parents drop to school
- c. By walk

22. Are you happy with your school location?

- a. Yes
- b. No

23. What is your opinion about teachers in school?

24. Do they complete portion on time?

- a. Yes
- b. No

25. Do they take extra classes in case of difficulty?

- a. Yes
- b. No

26. Do the teachers give any physical punishment to any child in school?

- a. Yes
- b. No

Education during Covid Pandemic

27. How was teaching done during Covid Pandemic?

28. Did you have necessary resources like mobile, internet for online education?

- a. Yes
- b. No

29. Did you understand the lessons given through online learning?

- a. Yes
- b. No

30. Do you prefer online learning or classroom learning

- a. Online learning
- b. classroom learning

Questions for CWSN

31. Are you comfortable in your school

- a. Yes
- b. No

32. Are there special trainers available in school?

- a. Yes
- b. No

33. Will you prefer to continue your study in the current school?

- a. Yes

b. No

34. Give reason for your answer

35. Are there special teachers for you in school?

a. Yes

b. No

36. How do teachers and students behave with you?
