

Right to Education and Common Education System

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Abstract – Right to Education Act was enacted to achieve the goal of free and compulsory education in India. This Act is seems to put a patch on the current education system in India. In this article the Act has been discussed in view of common education system. Various deficiencies related to execution of this act have been discussed. Public and private schooling arrangements and their functioning has been discussed in this article. Right to Education is not proven sufficient to provide free and good quality education to all children of the country. It seems that common schooling system is the only solution for providing free and compulsory education.

Key Words: Right to Education Act, Common Education system, No Detention Policy

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INTRODUCTION

Social, economic, and political equality among citizens of the nation is essential in the modern society. To achieve this equality the role of education is of utmost significance. The directive principles in part IV of Indian constitution assign the responsibility on the state to provide free and compulsory education to all children. Right to education to all children is termed as a fundamental right in the 86th amendment of the Indian constitution. For this purpose a new section 'A' was inserted in Article 21 of the Indian Constitution. Right to education enacted in 2009 and came in to force in 2010 contains the right to free and compulsory education up to elementary level of education to all children. This right to education has some unique features which were not prevailed in the constitution before this. These unique features provide the right to children for free and compulsory education up to elementary education with provisions for sufficient human and physical infrastructure in schools, determination of class according to age, Comprehensive and Continuous Evaluation (CCE), no detention policy and provision for state funding to 25 per cent seats reserved for the weaker sections in private schools.

EXECUTION, DISOBEDIENCE EXPERIENCE OF RTE

From April, 2010 to March, 2019 the Act completed nine years. The students who were given admission in Class One under the provision of 25 per cent seats reserved for weaker sections in private schools, completed education up to the elementary level in

2018. Thus, it is the right time to evaluate it. Experience indicates that some private schools imposed many hurdles in giving admission to children belonging to weaker sections. In several cases this provision was misused. A large number of private schools did not work according to the true spirit of the Act. The 25 per cent seats for weaker section students were not completely filled by schools especially by prestigious branded schools in urban areas. Several schools showed fake admission to these students and received reimbursement from the government; actually they did not give admission to students of weaker sections. Many schools made separate inferior arrangements for these weaker section students. These schools acted this intentionally to keep the weaker section students separate from the other students of school. In fact, even after nine years of implementation some schools do not want to permit the students of weaker sections to sit with the rest of the students in the school. Actually the real objective, that is acculturation of all sections of children, along with 25 per cent of weaker section in private school, has not been fulfilled.

State governments did not show sincerity towards the execution of this Act. The CAG report indicates that state governments which were responsible for the implementation of the Act and also to spend money available for this purpose, regularly failed from 2010-11 to 2015-16 these state governments could spend only 21 per cent to 40 per cent of money which was made available to them under RTE Act. That is, for the same period, the state governments failed to spend the amount of 87000

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crore rupees out of total money made available to them. Due to this in effective execution of the Act, its goal could not be fulfilled (Nanda, 2017). Under this Act a period of three years was given to the state governments to provide sufficient human and other physical infrastructure in all schools, which ended on March 31, 2013. Later this time limit for fulfilling the vacant post of teachers in schools was extended up to 31 March, 2015. Up to this extended time limit, state government did not appoint teachers on vacant post and again this time limit had to be extended up to 31st March, 2019 (Navani, 2017). The progress regarding the provision of 25 per cent seat reservation for weaker sections is also abysmally poor. If we look at state-wise progress, the least progress was seen in Uttar Pradesh. The best performance was seen in Delhi (92.08 per cent) and the next are Madhya Pradesh (88.24 per cent), Manipur (66.77 per cent), Chhattisgarh (63.1 per cent), and Sikkim (50.26 per cent), while in Uttar Pradesh it was only (3.62 per cent).

In Uttar Pradesh, it happened due to the various regressive orders issued by the state government. The RTE Act states that state government concerned will make suitable rules for the execution of this Act, but in the case of Uttar Pradesh, under this right, the state government made regressive rules which affected the implementation of the Act adversely. Among these rules the significant ones are: First, in the Act students were given the right of availability of neighbourhood school within one kilometre distance but in rules this 'one kilometre' was replaced by 'one ward'. A recent study indicated that in Telangana, Orissa, and Rajasthan several government schools with low enrolment have been merged with nearby schools. Due to this the total number of schools has been reduced. Like this in various states, several so called uneconomic schools have been closed. This closure of schools was done by the officers according to their discretion, without any declared rules and norms and this act affected schools mostly belonging to weaker section students (Rao et al, 2017). Secondly, the provision of 25 per cent reservation was implemented in urban areas only and not in the rural areas. Thirdly, it was stated that this 25 per cent reservation rule would be implemented only in unaided schools located in the selected wards. The selection of ward would be done on the basis of absence of a government/board aided school in that ward. Fourthly, students could be denied admission discretionarily on the basis of age related issues. Several petitions were filed in the high court to challenge these ordinances and still they are pending there (Chandra, 2016).

Private sector's role was assumed important in this RTE Act. It is difficult to believe that only on the basis of rule formation private sector can be made responsible for the universalisation of education. The experience of different countries indicates that the universalisation of education was possible by public funding and government run schools (Green, 1990).

Provisions are made to admit children in the class according to their age and to provide special training if required in the Act, but the ground reality is that most of our government schools are striving for getting teachers and, the lack of teachers affects regular teaching-learning of students. Making learning level of students according to their age it requires a special training for these children. It was assumed that regular teachers or specially appointed teachers would provide this training, but lack of teachers and absence of teachers (at a point of time nearly one-third teachers remain absent in the school in India) hampered the special training of these students.

As provision of CCE was incorporated in RTE Act, but for this provision it is required that well qualified and trained teachers should be available in the schools. However, the quality of teachers training is still poor in India. A very low proportion of teachers who passes Teacher Eligibility Test (TET) after completion of teacher training indicate this. It was found that below 4 per cent candidates passed the Central Teacher Eligibility Test (CTET), which indicates that the quality of teachers training in India is deplorably low. The provision of Teacher Eligibility Test after completion of teacher training is the wastage of resources. It will be better to make the entry in teacher training difficult rather than the provision of TET after completion of teacher training, as in the present system a large number of less qualified teachers are appointed as guest teachers. The CBGA and CRY study indicates that nearly all the states in India are facing shortage of well qualified teachers. In the case of the number of teachers, the level of teacher training and student-teacher ratio the state Bihar remains at the last position among all the states in India. Thirty-eight per cent teachers are not trained in primary schools in Bihar. On the other side, only seventy per cent teachers are trained in elementary education and seventy-seven in secondary education in West Bengal.

In the RTE Act 25 per cent seat reservation in private schools for weaker sections is limited to the age group 6-14 years. The children who were given admission in Class One in 2010 passed Class 8 in 2018. In 2019 these children are in Class 9. These children are now out of the coverage of 25 per cent weaker section reservation in private schools and so the government no more reimburse their school fees. Should all these students be thrown out of these private schools now? Need these students to pay private schools' extremely high fees? It is not possible as they belong to weaker sections. Should these students then take admission in government run schools? Doing this will push these students in tremendous mental tension and at the same time for them there is no meaning to study in private schools up to class 8 (Rajput, 8

Feb, 2019, Jansatta). As per the United Nations Sustainable Development Goals all member nations agreed to provide free, equal, and compulsory education up to secondary level to all children. All leading or developed nations achieved the target to provide free education up to Class 12 to all children. In such a condition the provision to provide free and compulsory education up to Class 8 seems to be inadequate. It is necessary to extend the Right to Education up to Class 12 immediately. India is growing faster than many other nations and the new requirement of skilled labour is emerging day after day. In such a condition, it is required to extend the right to education up to Class 12. Again, in the world of knowledge based globalisation and by virtue of demographic dividend it is an utmost requirement to expand this right up to Class 12. Our recently issued draft of New Education Policy (NEP) 2019 also advocates the same.

Minority class educational institutions are kept outside the 25 per cent seat reservation for weaker sections. These minority class educational institutes constitute a major proportion in country's private sector education institutions (Schools). It was seen that various private school operators are trying to change their schools to religious or linguistic minority schools to avoid the compliance of 25 per cent seat reservation for weaker sections. Important the role of education being and keeping the norms of common education system these schools should also be brought under 25 per cent reservation. The second important thing is that weaker sections in the society belong to all sections of society. 25 per cent seat reservation in these religious and linguistic minority schools should be opened for the same religious and linguistic minority communities. In the at least RTE Act Section 5(f) states that the medium of instruction for students should be according the mother tongue of students or English. Priority is given to English language and so no school is providing education to students in their mother tongue. Non availability of mother tongue as the medium of instruction for students keeps their learning level poor and also keeps poor communication ability of students with teachers, or family or society. After implementation of this Act the mother tongue as the the medium of instruction has become obsolete.

In the Act free and compulsory education arrangement is made only for the children aged 6-14 years. The Act does not say anything about pre primary education for students. The pre-primary schooling also has an important implication on child's later learning. It creates the foundation of the child's future learning. In this pre-primary stage the teacher should be more sensitive and possess the capability to nurture the child's ability related to his/her creativity, according to innate intelligence and capability. Studies in India and abroad have undoubtedly established that the investment in these early year education of the child is more fruitful (Ramchandran, Kameshwari Jandhyala and Arti, 2003). In the Supreme Court judgment of

Unnikrishnan Case, 1993 the responsibility of pre-primary education was laid on the state. Thus, it becomes the legal responsibility of the state, hence free and compulsory education of children aged 5 to 6 should also be brought under this Act (Section 21 'A'). The United Nations Convention on Children's Right also puts this responsibility on the state. Common education system and its universalisation should be up to the secondary level, as the universalisation of education up elementary education puts pressure on secondary education (Article 39 'F', the Supreme Court's Unnikrishnan Judgement of 1993, and amended Article 45).

Education system in India is not only divided between government and private. A wide hierarchy is present within the government school and also within private schools. A study indicates that the law of free and compulsory education for the aged 6-14 can be implemented only by government schools. Private schools can never fulfil it. These private schools can neither give admission to all children, especially belonging to weaker sections of the society nor can they provide free education. Children belonging to rich families necessarily should go to government schools. The United States also has this type of system in education. Except basic facilities, the luxuries like swimming pool, horse riding, and tennis court are not required in the government schools. The rich families can get these facilities at other places. There should not be any hesitation among students belonging to rich families to sit with students belonging to weaker sections of the society. Both types of children have innate similarities. At least at elementary education level students should feel and stay in classless society. Private schools charge high fees follows and restricted admission process. Both things are not comparable with the quality of education. Parents erroneously compare these facilities with the quality of education because facilities can be purchased in the market. Quality of education is an abstract idea which is not marketable. The quality of education in government schools is compatible with that of private schools; rather government schools are far ahead in this aspect. Students studying in the government schools belong to deprived sections of the society; it does not mean that education quality in these schools is poor. The rich families are unwilling to let their children mix with poor families' children. This is the main cause for the hesitation and so they not to agree for the common education system (<http://www.epw.in/engage>, 2015). Private sectors role in education is not the recent society's phenomenon. Public-Private Participation (PPP) in education was prevalent several decades ago. In 1865 in Travancore State private agencies helped a great for the expansion of primary education in the state. Especially after 1980s this PPP model has helped a large in the expansion of education in various states (George, Zachariah and Kumar, 2002).

POOR QUALITY OF EDUCATION

The quality of education is the most debated issue post-implementation of the RTE Act. The ASER (Pratham) Report indicated that the mathematical and language skill of students was much lower. In 2008, 84.8 per cent students were able to read Class 2 book but in 2018 this proportion declined to 72.8 per cent. It indicates that the quality of education is declining and this is matter of serious concern. The studies conducted by the NCERT and the ASER reveal that the poor quality and low learning was not only limited to the government schools, but this was also low at alarming level in all types of schools. This poor quality cannot be improved by privatization or by giving them education vouchers (Ramchandran, 2009). The problem of poor quality in education starts at elementary level of schooling and it further enhances with higher level. This creates an unequal system of education in the society. In this context, to prepare the State Education Quality Index by the NITI Aayog is a right step to assess the quality, and after this the states will be inspired to improve the quality of education (Dhawan, 2019, The Hindustan Times, 24 April, 2019).

EMPLOYMENT MARKET AND PRIORITY TO BE A TEACHER

Teaching profession demands very high qualification, efficiency and labour and more than all these it requires personal interest, aptitude, and devotion to education, but in fact most of the teachers have adopted this profession because they are unable to get any other white collar job. Why do they choose this job? Out of the total job of teachers in government schools more than 80 per cent are under the state governments and the remaining in the central government ones. Out of the total jobs in the state governments, approximately 50 per cent are for teachers.

Due to privatization, of total enrolment in school 10 to 30 per cent enrolment is in private schools, it varies state-wise. In these private schools most of the schools are low cost and low quality and they employ mostly untrained and less qualified teachers. Teachers in these schools become teachers out of compulsion and unwillingness, not by their own choice and interest.

As far as government schools are concerned a part from permanent teachers, many youth are working on various posts of para-teachers, Shiksha Mitra's, Shiksha Karmis with very low honorarium/salary and are mostly poor, unqualified and ineligible. As in the labour market the rate of unemployment is very high the unemployed youth get ready to work on such a low honorarium/salary. Sometime, even a harsh competition can be seen in the recruitment of these low paid posts. Usually though these teachers are given the honorarium even less than the daily wage

of an unskilled labourer, the youth give preference to it because it is considered a white-collar job. Also, the unemployed youth also accept to work and continue it on such a low honorarium because they have the expectation to become permanent teachers with full salary in future. Their expectation is based on the past experience. In the past, the government had made such low paid teacher permanent or had given priority in permanent recruitment a few times.

In city areas, some highly qualified but unemployed women get ready to work in prestigious élite private schools at low salary due to personal and social reasons. These schools have high prestige due to the brand name and English medium. Very high qualified and educated housewives get ready to work in such schools in urban areas at very low salary because these jobs are free from the fear of transfer and rural areas. The same condition is present in the case of female teacher in private schools in rural areas who are working as para-teachers or Shiksha Karmis but their quality is poor. Teaching job is a white collar job and these housewives do not have any alternative they are prepared to work at the salary lower than the salary of an unskilled labourer. All the students who get admission in teacher training institutes have to pass entrance examination. An important fact about the teacher training institutes in India is that more than 95 per cent institutes come under private sector.

Education is a merit good so to promote and to provide it to all is the responsibility of the state. Whether the consumers demand it or not, it is the responsibility of the government of state to create awareness about the benefits of education in the society and make effective attempt to increase its demand in the society. The State itself cannot escape from this responsibility.

GOVERNMENT AND PRIVATE SCHOOLS - ORGANISATIONAL STRUCTURE AND GOVERNANCE

Administrative structure and nature of governance of government and private school are quite different. Generally, the organisation of a government school is big in the size. For the government schools a state or national level administrative organisation is found, but for a private school it is only at the unit level or a small group of schools can make their administrative organisation. The organisation of private schools is quite smaller than that of the government schools. The recruitment in government schools is done by an open competitive examination, but in private schools this process has a lack of transparency.

Theoretically, the objective to provide education is philanthropy and rather it is considered a social

responsibility also. Both government and private schools work for the same object, i.e. public weal, but in practice, particularly after liberalization private schools are working with an objective to earn profit, whereas all the government schools are working truly for philanthropy and on as these are fully financed by the government. These government schools charge nominal or no fee for providing education. These differences in the objectives of government and private schools generate difference in their nature of serving, quality, governance, and administrative capacity.

A private school behaves like a profit maximising business firm which compete with other schools on commercial basis. They also advertise themselves to increase their profit. They adopt various marketing strategies and the advertisements are policies to attract the customer (here students). For this they try to show that only their school provides the best quality product (here education is the product). Private sector opens new schools in the areas where the demand for their product is high. The demand for English medium schools is higher than that of regional languages, so private sector starts new schools in prosperous and densely populated urban areas only. On the other hand, government school do not adopt marketing strategies, advertisement, and do not try to compete with any other school. They work only to disseminate the education in the society for philanthropic purpose. New government school are opened for social reasons and not induced by the market demand as it happen in the case of private schools. New government school are also opened in rural, remote, hilly, tribal, slum and low population density areas where the poor and socially deprived sections of the society reside. Generally, private sector does not open their schools in rural areas and poor colonies in urban areas as it is not profitable for them. Some private schools can be found in such areas with low cost and low quality but earn low profit as much as the market can afford in such areas.

In government schools service conditions are very complicated and it is very difficult to take a stringent disciplinary action against careless teachers. The teachers have their union, local political influence, and sometimes higher authorities are also lenient, careless, corrupt and not do have enough courage to take a disciplinary action against such teachers. To remove such teachers from services is extremely difficult, if not impossible. On the other hand, recruitment process in private school is not transparent, not according to merit, rather it is very simple. They try to recruit those who are ready work at minimum salaries. In private schools the process of disciplinary action against careless teachers is simple. The employer in these schools can remove these teachers easily. This is why the undisciplined and careless behaviour among teachers has almost no scope in private schools. The service tenure of teachers in private schools remains at the mercy of the employer. The disciplinary action against

teachers in government schools is complex and time consuming process, so it is extremely difficult, if not impossible, to take disciplinary action against insincere and careless teachers as the service conditions are more favourable for the employees. Even after disciplinary actions the employees go to court of law and get relief and sometimes litigations may remain pending for years. All these reasons make it very difficult for the employer (i.e. the government) to control such employees and improve the quality of education and governance in government schools.

Further, due to many reasons a number of posts remain vacant in government schools. The recruitment process in these schools is formal, transparent, and public. The candidates are selected through a competitive examination and according to the merit they are given appointments. This recruitment process is conducted by a designated public agency which works very slowly as this process is very complicated, and time consuming. In some cases it takes many years. Recruitment rules and the process are very cumbersome, so they are frequently challenged in the court of law and the cases remain pending for many years. It makes further delay in the process. Sometimes, posts remain vacant due to the delay in administrative and financial sanctions at the government level.

Transfer process in the government schools is also very complicated administrative and political process. Teachers want posting in their home districts, home towns, and in urban areas. For these preferred posting they try hard all the time. The departmental minister has full discretionary rights to transfer. Therefore, the transfer process is not free from political influences. Teachers all the times try to get recommendation from politically influential person to get a better posting. It becomes the general trend and complaints of bribes and corruption are very common in transfer and posting of teachers.

In government schools approximately 10 to 30 per cent posts are found vacant at any point of time. This ratio varies across the states. In West Bengal and Jharkhand approximately one third posts are vacant. Next to these are Madhya Pradesh and Chhattisgarh. There is no post vacant in Goa, Orissa, and Sikkim in primary schools (The Jansatta, 2019).

Due to the transfer process and vacant posts, most of the posts in rural areas, remote areas, difficult areas, and tribal areas where posting is least preferred, the number of vacant posts is very high, whereas, in urban areas almost all the posts are found filled. Even sometimes, in urban area, teachers are posted against more than the number of sanctioned posts. More or less the same condition is found in all the Indian states. In such areas the possibility to earn profit is very little;

therefore, private sector rarely opens any schools, there. However, the schools that are in public sector mostly a high number of posts is vacant. The administrative officers are not personally responsible for the governance of government schools. Therefore, the quality of education of the children who are living in geographically remote areas and belonging to socially deprived communities is severely affected.

There is also a hierarchy in private schools. Prestigious, branded, English medium schools in city areas the fee of which are very high are at the top in the hierarchy. The quality of education and governance is very good in these schools but the fees are very high so the access of a common man is very difficult in such schools. Equal opportunity and access is not possible there. Next to these schools, low fee English medium schools are there. Next come the Hindi medium private schools where fees are relatively low but the quality of education and governance is also relatively poor. These Hindi medium private schools are found in the same areas but the quality of their education is relatively better than that of the government schools. In the last in the hierarchy are some low cost private Hindi medium schools where the quality of education is lower than of the government schools but the governance of is a little better than that of the government schools. Because these schools have a tag of being private schools, the parents of very low income send their wards and somehow get satisfied.

Thus, the quality of education in all the private schools is not the same. The number of prestigious branded and élite English medium schools is very small and they are located only in city areas. Most of the remaining private schools provide education to the children belonging to middle income or lower middle income group, but their quality is lower than that of élite private schools. Even then it is an indication of social prestige for the parents belonging to lower income or lower middle income to send their wards to such private schools. These parents cannot send their wards to the élite schools but do not want to send them to the government schools. Therefore, they choose the middle path and send them to such English medium private schools where the quality of education is quite low but satisfy their craze.

In the middle level private schools the quality of education is also at the middle level only but they have many other things such as English medium education, special dress code which includes neck tie, socks and shoes, belt, different books, decorated and well maintain furniture and class-rooms, school buses and sometimes luxury hostels and mess facilities, etc. distinctly different from government schools. As they have lower fees than the élite schools they have to control their cost also, so they cannot employ good quality teachers, who are well versed in English. These middle level schools employ middle level qualified teachers at lowest

possible salaries but, their governance is very good and the service conditions are very strict, so they make them work hard so that the quality of education can be maintained as far as possible. As the mother tongue of the students of these so-called English medium mediocre schools, such poor students can learn neither good English nor good Hindi nor their own regional language.

COMMON SCHOOL SYSTEM:

Right to education Act has unable to implement the common school system to all with good quality education which was envisioned in our national education policy (Kothari Commission, 1964-66). Right to education which is given by the state, is the right of the children; it is not charity or grace. The children have this right so that they can lead their future life in a dignified way (Nawani, 2017). As per the Kothari Commission Report in the common school education system every child in the nation has equal right to get free and good quality elementary education. Since long the commission has suggested this common education system but till date no state in India has fully implemented it. The Bihar government has constituted a commission under the chairmanship of Dubey to get the suggestion for common school system. The commission has submitted its Reports in 2007 and suggested in its report how to implement it and what are the financial implication will be. It was not possible for the Bihar government to implement it as the fiscal condition of the government could not allow practically. The recommendations of this Commission have not implemented in any state of India, but still these have relevance. Considering the fiscal condition of the state governments and central government, practically it is not possible to implement its all recommendations, but it is so relevant that they should be tried to implement as far as possible up to the fiscal conditions of the relevant government allow.

In the common school system, it has been assumed that every child of the nation will be provided equal quality school education in such a way that his/her personal status does not matter for the quality of education and opportunity, i.e. whatever may be the economical condition, geographical location, caste, creed, religion, profession of the guardian of the child these will not affect. The child may belong the rural or urban area, élite colony or slum area his/her opportunity to get equal quality education in a common school should be the same.

In our constitution it is the duty of the state to ascertain to provide equal opportunity to all citizens not only for the education, but also in every field of life. Therefore, it must be the minimum first duty of the state that at least the school education must be provided to all children

of the nation with equal quality and opportunity. Now, the child is not only facing the discrimination created between government and private school but also the discrimination created by the hierarchy within the government and private schools. Generally, in such a situation, children get the quality and level of education according to the income level of their parents. Who will get and what will be the quality of education are more or less depending upon the income level and social status of their parents. If the parents are rich enough then it is high possibility that children will get good quality education and at higher level also. In such an unequal and developing society the common school system becomes more relevant.

Fortunately, in India we have very high number of human population (potential human capital) out of these we have very high proportion of young children if they can be trained and educated properly so that their potential can be realized, the nation can get benefits of their talent. However, in the current system a large number of children belonging to lowest strata of the society are going to government schools and getting poor quality education. Among these children a few are very bright and talented some of them reach in the high positions in spite of not getting sufficient opportunity and facility from their parents and education system. They have proven themselves, but these are the rare cases. Nonetheless, most of such talented and bright minds do not get realize their full potential due to lack of opportunity and support of the system. The nation does not get the benefit of all these talented minds.

Since, 1990s economic liberalization has increased with a fast pace, the privatisation in education has also increased. Approximate 10 to 30 per cent of total enrolment in school education is under the private schools. It varies across the states. The state where the per capita income is higher the proportion of enrolment in private schools has increased at higher rate. Similarly, this proportion has more increased in the urban area rather than rural once. Thus, this privatisation has divided the people not only on the basis of economic condition but on geographical location also.

Enrolment in Elementary Education (Class 1 To 8) in India		
YEAR	GOVERNMENT (%)	PRIVATE (%)
2002	69.88	30.12
2009	68.87	31.13

SOURCE : AISES, NCERT, 2002, 2009

Enrolment in Elementary Education (Class 1 To 8) in India		
YEAR	GOVERNMENT (%)	PRIVATE (%)
2014-15	55.55	44.45
2016-17	54.22	45.78

Source : DIES (<http://udise.in/>)

As the share of private sector has increased in school education the quality of education in government schools is deteriorating at faster pace. As the income of parents increases their expectations also increases proportionally. Therefore, they prefer to send their wards to the private schools rather than government once. Now, it has become the trend that every parent want to send their wards to the private schools as far as possible. Before the economic liberalisation, as the number of private school was very few in number, the élite had to send their wards to the government school only. Now the sufficient number of good private schools is available, the élite has stopped completely to send their wards to the government schools. After a passage of time, the number of élite schools has also increased to accommodate the wards of the élite. As the élite class had a higher political and social clout and the send their wards to the government schools, there was an effective pressure on the government schools to maintain the quality of education. As the time passes, this pressure for the quality is getting defused slowly. Earlier the government schools had faced the social pressure to maintain the quality therefore, teacher absenteeism was very low, number of vacant post was also low, and recruitment process was quite transparent.

After privatisation numbers of private schools were increased by manifold. In this scenario élite group moved to elite schools for making their exclusive club identity. This resulted in élite class out of government schools and government schools remained only for the students of weaker or deprived section of the society. The social pressure on government's school for maintaining their quality was absent. This also contributed in declining in the quality of learning in government schools. The policies of neo-liberalism brought privatisation in every economic sphere. The policy of new liberalism increased the rate of economic growth and per capita income but also increased economic inequality in the society. The difference between rich and poor is widening very fast. The quality of government institutions declined and the quality of private institution increased but the price of private service increased continuously thereafter. In this situation it became difficult for the lower middle class to get the access to the service by private sector.

Common education system is the system which ensures equal quality education for all children.

The quality of education will not differ on the basis of caste, religion, community, gender, economic status, social status, residence, physical mental quality of the student etc. (of the student report of the education commission, 1964-66 a). Common education system includes common school system. The basic arguments in favour of common education system are, it provides social justice and equality, it creates social capital, it provides right environment for good education and it also contributes in nation building (Dubey, 2007). The basic argument in favour of common education system is the fact that intellectual capacity and potential to develop among human is equally distributed all over the spatial distribution. This is natural phenomenon. The actualisation of development potential in human is depending on the opportunities and environment available to human. These environment and opportunities contribute a lot. In these equal opportunities the equal opportunity of education has utmost importance. Being human it has intellectual capacity. By using this intellectual capacity it acquires the prevailing knowledge, culture, science and technology in the society and by doing so it becomes a cultured citizen. This intellectual capacity is not equally distributed in all. Naturally, each and every human being is unique, this uniqueness make specific personality in the children. One more argument is also given in favour of common education system, this argument indicates that in a society or nation where the government is determined by consent of each and every citizen not by autocracy, the common education system is required (Stephen P. Haymen, 2000).

For this common education system the state control and state finance is necessary. The success of elementary and secondary education system in Scandinavian countries, America, Cuba, Canada, China, and South Korea and in most of European country was possible due to state control and state funding (Dubey, 2007). Like this the universalisation of elementary and secondary education in all developing and developed country was possible due to the good education system that is controlled and financed by the government (Sadgopal, 2006). This education system should be run in this manner that no one parents feel the requirement to send children in schools except to these state financed and state controlled common education system. Dubey (2007) enlists the following qualities in common education system. (i) The basic infrastructure facilities, this includes minimum number of class rooms with given size and design, drinking water facilities, separate tablets for girls, play ground, library, laboratories, teaching aids and access to all these facilities to all children (ii) Optimum student teacher ratio and appointment of well qualified and trained teacher, (iii) Uniform syllabus in all these schools with a flexibility in teaching aids, teaching process and norms of evaluation (iv) comprehensive teaching system which give freedom to students and friendly to students (v) Decentralised school management with

sufficient autonomy and adequate representation of parents in this management of school (vi) Uniform linguistic policy should be present. Kothari Commission was the first who recommended common education system in India. After the various education commission and committees recommended this common education system and this common education system remained only in words not in actual continuous system to turn in reality. It is stated that this was happened due to the dominance of élite class information of education policy. This élite class send their children in specific private schools, these schools have very good quality of teachers, infrastructure and education so this élite class did not show interest in the common education system. It was easy to implement this common education system when it was recommended by the Kothari Commission (1964-66/9), the continuous evidence of this common education system made more difficult to implement. At present two big problems, remains in its implementation First, this requires large amount of finance. Second, due to continuous evidence of common education huge hierarchy has been developed in the education system. This hierarchy is present not only in government schools but is private schools also. It is not impossible to implement this common education system in present time but it required great political will (Dubey, 2007).

Different commissions have recommended to spend 6 percent of GDP on education. A study concluded that if the right to education gets implementation through government school, this 6 percent expenditure of GDP on education will remain insufficient.

NDP EXPERIENCE:

One of the important provisions of the Right to Compulsory Education Act, 2009 was the No Detention Policy (NDP) up to Class 8. According to this provision, no child will be detained in the same class due to failing in any examination up to Class 8. After the implementation of this mandatory provision, in many states, it was felt that the quality of education deteriorated. Therefore, after passing Class 8, without any rigour, a high proportion of these students get failed in Class 9 and 10. There was a demand from many state governments, educationists, teachers, and non-government organizations to change the NDP. The Government of India changed this provision of the Act in March-2017, and the state governments were given the freedom not to implement this provision (i.e. no detention) and free to implement in their own ways. However, the issue is still being debated in the academia and different quarters of the society.

The assumption that only students are solely responsible for poor quality of education or get

failed in examination is the main reason for changing this provision of the Act. It is believed that if student fails in an examination and student study in the same class in the next year, by doing so, the student can be making sincere towards their studies and the quality of education will be upgraded. On the other hand, the objective of the RTE was to retain the children of aged 6 to 14 years in schools without any fear of dropout. So the provisions of NDP and Comprehensive and Continuous Evaluation (CCE) were incorporated in the RTE Act.

Those who support the NDP believe that students of aged group 6-14 are too young to bear the brunt of being failure so the alternative method of NDP and CCE was included in RTE Act. After deleting the provision of NDP in the RTE Act, students may require to sit in an external annual (in some states even board) exam. The aim of this annual board examination is to evaluate students' level of learning. Hear one thing need to be consider that the annual evaluation system is not beyond questionable. Even in the higher education, semester examination is being advocated in place of an annual examination. Under the annual examination systems, children have the single objective, i.e. to get the maximum marks in examination. In this system, children are required to cram and memorize the whole syllabus rather than to read carefully and understand and analyse it. Cramming the whole syllabus for annual examination is a mechanical process, child does not get opportunity to understand and analyse the information that they get. To pass the annual examination should not be the only objective of education up to the elementary level of schooling rather to retain the children in the school during the early eight years and to make them curious for education by creating their interest in education. Annual examination system evaluates the student's capacity to memorize the bookish knowledge; on the other hand, the CCE system develops child's capacity and evaluates creativity, emotional quotient, and community behaviour of the child.

It is possible that under NDP and CCE system, children may develop low capacity in cramming the bookish knowledge, but it is also true that children are not solely responsible for poor quality of education. Does any other factor not responsible for the poor quality of education? Do schools and society make available all facilities to the children, for which they are entitled? Is it right to expect from children to acquire good quality education in the absence or lack of all these facilities? Do all school have sufficient infrastructure which is required to impart good quality education? Do the boring syllabus, poor quality books, and untrained, unwilling, careless, and unqualified teachers not responsible for the poor quality of education? Do all children belong to families which have equal social and economic status?

In reality, at present, more than 30 per cent population of the nation is under below poverty line

which has very poor access to basic facilities, 25 percent population belongs to scheduled caste and scheduled tribe category in which more than 50 percent population live below poverty line. A significant proportion of rest of the population is also under below poverty line. In society, discriminated against girl child is very common. In such a situation of the wide social and economic disparities, it is a big challenge to provide equal opportunity of education to all.

Hierarchy among the schools is not only found in private schools but also prevails among the government schools such as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik Schools which are run by the central government; state government schools, urban local bodies schools and rural local bodies schools. The quality of education among these schools is significantly different. Generally, condition of physical infrastructure in the government schools is very poor and teachers are in shortage. In the government schools, supervision and monitoring in remotely locating schools in rural areas is very difficult, so the condition of governance in these schools is poor. Teacher absenteeism (unauthorised leave with collusion among themselves) is quite common in these schools due to poor governance.

CONCLUSION

Right to education enacted in 2009 and came in to force in 2010 contains the right to free and compulsory education up to elementary level of education to all children. This right to education has some unique features which were not prevailed in the constitution before this. In fact, even after nine years of implementation some private schools do not want to permit the students of weaker sections to sit with the rest of the students in the school. Actually the real objective, that is, acculturation of all sections of children, along with 25 per cent of weaker section in private school, has not being fulfilled.

State governments did not show sincerity towards the execution of this Act. Under this Act a period of three years was given to the state governments to provide sufficient human and other physical infrastructure in all schools, which ended on March 31, 2013. Later this time limit for fulfilling the vacant post of teachers in schools was extended up to 31 March, 2015. As provision of CCE was incorporated in RTE Act, but for this provision it is required that well qualified and trained teachers should be available in the schools. The quality of teachers training is still poor in India. The provision to provide free and compulsory education up to Class 8 seems to be inadequate. It is necessary to extend the Right to Education up to Class 12 immediately. Education system in India is not only divided between government and private. A wide hierarchy is present within the government school

and also within private schools. Right to education Act has unable to implement the common school system to all with good quality education which was envisioned in our national education policy. In the common school system, it has been assumed that every child of the nation will be provided equal quality school education in such a way that his/her personal status does not matter for the quality of education and opportunity, i.e. whatever may be the economical condition, geographical location, caste, creed, religion and, profession of the guardian of the child these will not affect.

After the various education commission and committees recommended this system remained only in papers, could not turn in to reality. Indeed, at present, more than 30 per cent population of the nation is under below poverty line which has very poor access to basic facilities, 25 percent population belongs to scheduled caste and scheduled tribe category in which more than 50 percent population live below poverty line. A significant proportion of rest of the population is also under below poverty line. In society, discriminated against girl child is common. In such a situation of the wide social and economic disparities, it is a big challenge to provide equal opportunity of education to all.

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