

Journey of Free and Compulsory Elementary Education in India

Kaundan Singh^{1*}, PratibhaSagar^{2*}

¹Lecturer in Education, D.I.E.T. Amroha, Uttar Pradesh, India

²Faculty of Education, Dept. of B.Ed./M.Ed., Mahatma Jyotiba Phule Rohilkhand University, Bareilly, India

¹kundan.softmail@gmail.com, ²p.sagar.ru@gmail.com

Abstract

Education is a process of human enlightenment and empowerment for developing a better quality of life. The progress of any nation can be gauged from its achievement in education. Education is the tool that can play a vital role in improving the socio-economic conditions and prosperity of a nation. According to Indian Constitution, Article 21A states that it will be the responsibility of government to provide free and compulsory elementary education to all the children of age group 6 to 14 years. The right of free and compulsory elementary education in India has faced many ups and downs. After very long journey Indian Parliament passed RTE Act 2009 on August 4, 2009, which describes the modalities of the importance of free and Compulsory Education for children between 6 to 14 years in India under article 21A of the Indian constitution. This article tries step to step review of the efforts made by various stakeholders for free and compulsory elementary education in India.

Keywords: Free and Compulsory Education, Indian Constitution, Article 21A, Human Enlightenment

Introduction

Education has been a fundamental necessity of human being since the beginning of civilizations. Over the world many efforts have been made to free and barrier less educational access for all. Education is must to live with dignity. A strong consciousness raised for the need of free and Compulsory Education Act in 1870 in England. Education has been recognized as a human right since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. Universalization of Elementary Education has been one of the most important aims of educational development in India after independence. The Right of Children to Free and Compulsory Education Act (RTE Act) 2009, implemented on April 1, 2010 over the country except Jammu & Kashmir. The RTE Act 2009 emerged from 86th Amendment of Indian Constitution (2002), which provides the guarantee of elementary education as a fundamental right. The British rulers adopted a good number of policies on education, but these were framed in colonial flavor. Consequently, compulsory and free elementary education remained as unfulfilled dream during the British Raj, apart from stirring efforts of the Indians. Indian Constitution has stated through an important decision that 'Right of life or Article 21 of Indian Constitution is incomplete without the education.' So, education is the fundamental right of every child aged 6-14 years.'

In the historical point of view of free and compulsory education there have been taken many steps time to time. Here, we are discussing about the efforts which have been made in India to provide the fundamental right of free and compulsory education. Some of them are following-

1. The Charter Act of 1813

The development of modern system of education in India under the aegis of the company began actually with the charter act of 1813. Clause 43 of the Charter Act 1813 assumed more important because those days education was not a state's responsibility in England, and except Scotland, no public money was spent on Elementary Education. Its clause 43 contained the first legislature admission of the Right of Education in India in the public revenues. However, the Charter Act made it compulsory on the part of the East India Company to extend education in India. It laid the base of state system of education in India. Although a provision in East India Act of 1813 empowering the governor general of India to spend one lac of rupees each year for the purpose of education, was the first legislative admission of the Right of Education to participate in the public revenues of India.

2. William Adam's Third Report in India 1838

The history of Universal Compulsory Elementary Education can be traced back to the years, 1838. The earliest attempt during British rule for enforcing Compulsory Primary Education was undertaken by William Adam in 1838, a Christian Missionary who inquired into the state of Vernacular Education in Bengal, Bihar and Orissa. In the third report, Adam submitted his scheme for the improvement of Vernacular Education. Adam considered it impossible to introduce Compulsory Education at that time for more than one reason. He stated it in his report in the following words: *"The next form in which government influenced may be conceived to be employed for the promotion of education is by making it compulsory and enacting that every village should have a school. I hope the time will come when every village shall have a school, but the period has not yet arrived when this obligation can be enforced."* (Long, 1868)

3. Captain Wingate's Proposal 1852

A more direct suggestion toward the demand of compulsory education came from captain Wingate, the Revenue Survey Commissioner in Bombay. In 1852, captain Wingate when called upon by government of Bombay to give his views on the proposal to levy a local fund on land revenue, recommended the levy of such tax and suggested that a part of it should be devoted to providing compulsory education to the sons of agriculturists. These proposals did not find favor with other officers most whom opposed it tooth and nail (Agrawal 2002). The main flaw in the proposal is its uncritical optimism. It was obviously impossible to finance compulsory primary education out of the proceeds of the local fund only (Naik, 1942).

4. Mr. T. C. Hope – A recommendation 1858

In 1858, Mr. T.C. Hope, the Educational Inspector of Gujarat proposed that there should be a law to empower the inhabitants of any local area to tax themselves for the establishment of schools (Mukerji, 1964). Mr. T. C. Hope opposed the voluntary system of school expansion and pressed for an enactment to authorize the levy of a Compulsory Educational rate. The report of the Director of Public Instruction, Bombay, for the years 1857-1858 described the opinion of Mr. T.C. Hope about the state of education during 1857 to 1858 in the following words: *"that the partially self-supporting or persuading system, as a measure for national, has proved a total failure..... the best substitute appears to be a legislative enactment, to be ready applied, from years to year, to such villages as are*

judged to be ready for government schools, and throwing the entire cost of the maintenance of the latter on the people themselves.” (Government of Bombay, 1859).

But this proposal was also turned down as premature. Thus, earlier suggestions or schemes for introducing Compulsory Primary Education under the British Raj came from William Adam, Captain Wingate, and T. C. Hope. But all the suggestions were considered either premature or impractical.

5. Hunter Commission (1882)

A demand was raised in India to provide compulsory mass education with the enforcement of Compulsory Education Act in England in 1870. consequently, a vigorous demand for laws to be made to make 4 years of primary education compulsory was made by Dadabhai Naoroji and Jyotiba Phule from Bombay presidency in their evidences before the Indian Education Commission, 1882 which agreed to their reason for claim and stated that: *“while every branch of education can justly the fostering care of the state, it is desirable, in the present circumstances to declare the elementary education of the masses, its provision, extension and improvement, to be that part of the education system to which the strenuous effect of the state should now be directed.” (Hunter Commission, 1882)*

Jyotiba Rao Phule suggested in his representation to the education committee that the responsibility for primary and secondary education should be handed over to the people as the efforts of Christian missionaries to set up schools are not genuinely patriotic. He further said that- *“There is no little doubt that primary education among the masses in this presidency has been very much neglected. Although the number of primary schools now in existence is greater than these existing a few years ago, yet they are not commensurate to the requirements of the community. Government collects a special cess for educational purpose, and it is to be regretted that this fund is not spend for the purposes for which it is collect..... a good deal of their poverty, their want of self-reliance, their entire dependence upon the learned and intelligence classes, is attributable to this deplorable state of education among the peasantry. Even in towns the Brahamins, the Purbhoos, and the hereditary classes, who generally live by the occupation of pen, and the trading classes seek primary education. The cultivating and the other classes, as a rule, do not generally avail themselves of the same I think primary education of masses should be made compulsory up to a certain age, say at least 12 years.” (Mali, 1989)*

Ultimately the commission did not recommend making elementary education compulsory, nor did they recommend making free. But they asked the local authorities to admit a certain portion of pupils as free students on the ground of poverty in all schools managed by the local boards or municipalities (Sen, 1941). Unfortunately, the commission indulged in the speculation of further improvement in a big way and their strenuous efforts in the direction. The report of Indian Education Commission however, is a very disappointing document so far as compulsory education is concerned but it paved the way for the organized agitation for the introduction of compulsory education. The educationists and the national leaders realized the gravity of the problem and started systematic movement.

6. Efforts of Indian National Congress for National Education- 1906

The establishment of Indian National Congress in 1885 strengthened the movement of free and compulsory education. The Indian National Congress was rapidly becoming a forum for articulating

the discontent that has been brewing for sometimes in the heart of the freedom fighters. They therefore realized that their demand for democracy and Home Rule was not likely to be effective unless the masses were uneducated. Therefore, they agitated for universal education of the masses in order to make it possible for India to become a free democratic republic (Mukerji, 1964). On one hand, Lord Curzon was trying to embitter the condition of primary education in his own way; on the other hand, the national leaders under the banner of Indian National Congress were agitation for the introduction of Compulsory Primary Education. In the Calcutta Congress of 1905, it was declared that it is birth right of the people of India to get proper education. This resolution opened a new chapter in the history of the primary education in India.

The struggle to create a national system of education, key- not of this movement is probably best contained in the resolution on national education adopted by the 22nd Indian National Congress in 1906, held at Calcutta, 26th, 27th, 28th and 29th December of 1906 which said that *“the time has arrived for the people all over the country earnestly to take up the question of National Education for both boys and girls, and organize a system of Education, literary, scientific and technical suited to the requirements of the country, on national lines under national control”* (Naik 1978).

7. Experiment of Prince Sir Sayaji Rao Gaikwad of Baroda for free and compulsory education- 1893

Sir Sayaji Rao Gaikwad achieved which was assumed impossible by British government. He introduced the scheme of Free and Compulsory Education as an experimental measure in Amreli Taluka of his State in 1893. Being successful in his experimentation he extended the area of compulsion, to his entire state by 1896. For his greatest and remarkable contribution for the Compulsory Education he was often regarded as the *“prince among the educators and an educator among the princes”* (Desai, 1953). The first document used of the word ‘right’ in the context of elementary education appeared in a letter written by Rabindranath Tagore to the international league for the Rational Education of children in 1908. In this letter Tagore argued for education as a right which enables individuals and communities to act on reflection.

GopalKrishanGokhale pointed out the following words at the time of introducing the Bill on 16th march, 1911 in the imperial legislative council that, *“within the borders of India itself, the Maharaja of Baroda has set an event of enthusiasm in the cause of education. His highness began his first experiment in the matter of introducing Compulsory and free Education into his state eighteen years ago in ten villages at the Amreli Taluka. After watching the experiment for eight years, it was extended to the whole Taluka in 1901, and finally, in 1906, Primary Education was made compulsory and free throughout the state for boys between the age of 6 and 12, and for girls between the age of 6 and 10.”* (Natesan, 1916).

8. Attempt of Sir Ibrahim Rahimtoola and Chamanlal Setalwad- 1906

The first organized attempt to introduce Compulsory Primary Education in British India, was made in Bombay under Sir Ibrahim Rahimtoola and Sir Chamanlal Setalwad. As the result of their agitation, the government of Bombay appointed a committee in 1906 to examine the feasibility of introducing Compulsory Education in the city of Bombay. But unfortunately, this committee came to the conclusion that the time was not ripe for the introduction of Compulsory Education. The main argument in favour of this policy was that the British government was a foreign government and

hence could not compel the people to send their children to school, an action which an Indian prince might make (Mukerji, 1964).

9. Gokhale's Attempts (1910-12)- A Legislative Framework

During the days of Swadeshi movement, an extensive agitation was launched for spreading education among the masses. On the contrary, a new political awakening emerged and it strongly had drawn the attention of the country to the need of mass education. Ever after 150 years of British Raj, only about 6% of the people had reached the level of literacy. This produced a surge of criticism from all corners against the existing system of education. Such criticism found expression in a constructive manner in the attempts of late GopalKrishanGokhale, the veteran Indian nationalist leader (Basu, 1992). He made valiant efforts to make the government accept the necessity of Compulsory Primary Education. The attempt of Maharaja Sayaji Rao Gaikwad of Baroda inspired Mr. Gokhale. On March 18, 1910, Mr. Gokhale, in moving a resolution in the Imperial Legislative Council, recommended that *"a beginning be made in the direction of making Elementary Education free and Compulsory throughout the county, and that a mixed commission of officials be appointed to frame definite proposals"* (Dasgupta, 1993).

A year later, on March 16, 1911, Mr. Gokhale in the Imperial Legislative Council spoke that *"My Lord it's the history of Elementary Education throughout the world establishes on fact more clearly than another, it is this, that without a resort to compulsion no state can ensure a general diffusion of education among its people."* (Natesan, 1920). Gokhale presented the Bill in the legislative council to make a strong fight against the government. The Bill, however, was more liberal and humbler than the resolutions placed before and main objective of the Bill was to make primary education free and compulsory in a phased manner. The Bill was basically based on the compulsory Acts of England, 1870 and 1876 and on the Irish education Act of 1892.

However, this Bill had three important features which deserve special notice. Firstly, it did not demand the immediate introduction of compulsion education. It only said that Municipalities and local boards should be permitted to do so under certain conditions that were to be prescribed under the Act. Gokhale was of the view that the initiative should be left to local self-government institutions. Secondly, cost of compulsion should be shared by government and local bodies in the ratio of 2:1. Thirdly, contemplate the universal introduction of compulsion should be introduced in such areas only where the ground was quite prepared for such an experiment.

Finally, Mr. Gokhale, on March 18, 1912, moved that the bill be referred to a select committee of 15 members of the council for detailed examination of the clauses. He emphatically urged that *"unless there was an Act to this effect, the local bodies would be powerless to introduce compulsory education"* (Siqueira, 1952). With all his arguments, Gokhale could not break through the government opposition. The Bill was rejected on the ground that it was unnecessary, premature, unworkable, and so on. While rejecting Gokhale's bill, however, the government of India promised more grants to local bodies for the encouragement of primary education and urged the provincial government to pay more attention to this subject. Most of educated people in India began to realize the necessity of Free and Compulsory Education. The movement of Elementary Education advanced rapidly in the country. In newly created N.W. Frontier province, the Elementary Education was made free in 1912.

Thus, a glorious chapter in the history for the right of Free and Compulsory Primary Education in India under the British rule ended. However, Gokhale failed, but he failed gloriously. He, though defeated, fought heroically for several years. After all, it was really a heroic failure.

10. Bill of Vithalbhai Patel- 1917

In 1915, Gokhale passed away and soon after his demise the campaign for Compulsory Primary Education was again started by Shree Vithalbhai Patel. Vithalbhai Patel successfully piloted an Act for the permissive introduction of compulsion in Municipal area of the province of Bombay. Mr. Patel introduced a Bill in 1917 in the Bombay Legislative Council for permitting Municipalities to introduce compulsion in their areas. This Bill received the ascent of the Governor- General on 5th of February, 1918, and the Bombay Primary Education Act 1918. Mr. Vithalbhai Patel thus had responsibility for getting the first law on compulsion primary education in British India passed by the Bombay legislative council. This is popularly known as the “Patel Act”, after its mover. It was broadly based on Gokhale’s bill but made some momentous changes which were mainly responsible for its acceptance by the Government. The main difference between the bill of Gokhale and Patel was that the former wanted to extend his experiment to both urban and rural areas, while the later desired to confine it only to municipalities. Secondly, Gokhale’s tactical error in insetting that the government should bear two third of the expenditure on compulsory education was rectified by Patel who accepted the suggestion made by the government of India that it should be left to the discretion of the state government to give grant-in-aid for schemes of Compulsory Education. However, the Patel Act awakened nationwide interest in the need of Compulsory Primary Education. It may be asserted that all the compulsory Acts in all the provinces of British India are modeled either on Mr. Gokhale’s Bill or on Patel Act.

11. Compulsory Education during the period of 1917-27

After the government of India Act, 1919, the control of elementary education was transferred to Indian ministers. This try up an era of rapid expansion of elementary education, infect the decade 1917 to 1927 in the history of compulsory education in British India may rightly be regarded as the boom period of compulsion (Juneja, 2003). Indian primary education locked in legislation till 1917. Since 1918, all the state legislatures began passing the Acts for introducing Compulsory Primary Education in their respective states. After Montague-Chelmsford reforms, the Education portfolio was placed in the hands of an Indian Minister responsible to a legislature with large elected majority. The social and political changes gave a great impetus to Compulsory Education. The concept of Compulsory Education thus come to be accepted in theory and was incorporated in the laws of the land, especially after the transfer of education to Indian control in 1921.

All the Compulsory Education Acts of British India provinces except North West Frontier province were either conceived or passed in this period. The following table gives detailed information regarding them:

Table 1.1: Compulsory education Acts in British India after 1918

| Year | Province | Name of Act | Whether for boys or girls | Area |
|-------------|-----------------|--------------------|----------------------------------|---------------------|
| 1919 | Punjab | P.E. Act | Boys | Rural and Municipal |

| | | | | |
|------|---------------------|--------------------------|-------|---------------------|
| 1919 | United province | P.E. Act | Boys | Municipal |
| 1919 | Bengal | P.E. Act | Boys | Municipal |
| 1919 | Bihar & Orissa | P.E. Act | Boys | Rural and Municipal |
| 1920 | Bombay | P.E. Act | Both | City of Bombay |
| 1920 | Central provinces | P.E. Act | Both | Rural and Municipal |
| 1920 | Madras | Elementary Education Act | Both | Rural and Municipal |
| 1923 | Bombay | P.E. Act | Both | Rural and Municipal |
| 1926 | Assam | P.E. Act | Both | Rural and Municipal |
| 1930 | Bengal | P.E. Act | Both | Bengal rural |
| 1932 | Bengal | P.E. amendment Act | Girls | Municipal |
| 1939 | North west frontier | P.E. Act | boys | Rural and Municipal |

(Source: Nurullah&Naik, 1970)

Thus, the dreams of Mr. Gokhale were realized fifteen years after the failure of his own bill for compulsory education. The progress of compulsion prior to the portioning of the country will be evident from the following table:

Table 1.2: Compulsory Education in British India- 1921-37

| Year | Municipalities and urban areas | Rural area |
|---------|--------------------------------|------------|
| 1921-22 | 8 | 00 |
| 1926-27 | 114 | 1571 |
| 1931-32 | 153 | 3392 |
| 1936-37 | 167 | 3034 |

(Source: Nurullah&Naik, 1970)

The progress between 1931 and 1937 was not very encouraging. This system of governance was later on ended with the introduction of provincial autonomy in 1937, through the government of India Act 1935. With the introduction of provincial autonomy, the Indian National Congress assumed the office in seven provinces out of 11. The education ministers under provincial autonomy could command for larger resources than the ministers under diarchy ever did. Although detailed plans for comprehensive restricted because of the occurrence of the Second World War.

12. Scheme of Basic Education- 1937

In the light of the resolutions passed at the National Conference on Education in October 1937 in Wardha, Zakir Husain Committee formulated a detailed national scheme for ‘Basic Education’. The main principle behind this scheme was ‘Learning through Activity’. Gandhi thought that western education had created gulf between the educated few and the masses and had also made the educated elite ineffective. The system, rather than being a methodology for education, was an expression of an idea for a new life and a new society. The basic premise was that only through such a scheme could India be an independent and non-violent society. This scheme was child centered and co-operative.

This scheme was adopted in several provinces where the congress was in power. There was not much development of this idea, because of the start of the Second World War and the resignation of the congress ministries in October 1939 (Rawat, 1959). However, Wardha Scheme of Basic Education of Mahatma Gandhi was also an effort towards the universalization of Elementary Education.

13. The Sargent Plan 1944- Toward a Nationwide Plan

The need for providing India with a system of education in approximation to those available in other civilized countries draw the serious attention of leading educationists of the country during the last decade. Sir John Sargent, the educational adviser with the government of India, was asked by the reconstruction committee to prepare a memorandum on post War Educational development in India (Mukerji, 1951). The Report on post War Educational Development in India, approved by the Central Advisory Board of Education in 1944, visualized a National Educational System. The report begins with the words, *“Upon the education of the people of this country, the fate of this country depends.”* These words contain a universal demand. It remarkably provides for Universal Compulsory and free Primary or Basic Education for all children between the ages of 6 and 14 under the following two heads:

- a. Free and Compulsory Junior Basic Education of 5 years for all children in the age group 6 to 11 and
- b. Compulsory Senior Basic Education of 3 years for the children in the age group 11 to 14 years.

14. Constitutional Assembly in 1948- 49

The question to Free and Compulsory Education also raised in constitution assembly but the Assembly put this issue under ‘Directive Principles of State Policy’ not in the category of fundamental rights. Provision for Free and Compulsory Education was placed in constitution in Article 45 with a direction that the state will try to provide free and compulsory education till the age of 14 years, within the period of 10 years after commencement of constitution.

15. The Kher Committee- 1951

However, the national leadership was determined to minimize the process. The proposal of Sargent Plan was examined by a special committee under the chairmanship of B.G. Kher, then chief minister of Bombay in 1950 accepted the program of Universal Compulsory and Free Basic Education as proposed in the plan itself but reduced the time span 4 to 16 years. It was this recommendation that formed the basis of Article 45 of the Directive Principles of the Indian Constitution enjoining that the *“state shall endeavour to provide within a period of ten years from the commencement of this constitution for Free and Compulsory Education for all children until they complete the age of 14 years”* (Constitution of India, 1950). Ever since, efforts are being made to fulfill the provisions of Free and Compulsory Education for all Indian children through successive five-year plans and a host of central and state governments sponsored programs.

16.86th Constitutional Amendment

In the early 1990s, a sudden revival of interest was observed in the matter of securing the Right to Free and Compulsory Education for all children in India. Interestingly, neither the 1986 Policy on Education nor its program of Action had mentioned making Education Compulsory.

However, among official document, it was the Ramamurti Committee Report in 1990, on the review of the 1986 Education Policy, which first indicated the government for not paying attention to the education saying, *“this problem qualifies for being the most fundamental problem of our education system.”* This report called for recognition of the Right to Education as a fundamental right. An outline of the events leading up to the passage of the 93rd constitution amendment bill (86th Constitution Amendment Act) in both house of parliament is presented below.

17. (1990) The committee to review the National Policy on Education, 1986-Ramamurti Committee in its report titled *‘Towards an Enlightened and humane society- NPE 1986- A Review’* chides the government for its continued failure since independence to fulfill the constitutional directive: “Now time has come to recognize ‘Right to Education’ as one of the fundamental rights of the Indian citizens for which necessary amendment to the constitution may have to be made and more importantly, conditions be created in society such that this right would become available for all children of India.”

1991- Myron Wiener’s Book, “The Child and the State in India: Child Labor and Education Policy in Comparative Perspective” creates ripples. Its main thesis being that India’s poverty was less relevant, as an explanation for the failure to eradicate child labor and enforce Compulsory Education, than the brief system of the middle class.

1992- India become signatory to the UN Convention on Rights of the Child (CRC). Article 28 of this convention states:

“State parties recognize the right of the child to education and with a view to achieving this right progressively, they shall in particular make primary education compulsory and available free to all....”

As part of this agreement, India is also committed to review its laws and bring them in line with the convention. International treaties serve to set standards and courts generally interpret domestic laws so as to maintain harmony with the provisions of international law. Article 51(C) of the Indian constitution states that the state shall endeavor to foster respect for international law and treaty obligations.

1993- The Supreme Court judgment in the case of Unnikrishnan J.P. vs. State of Andhra Pradesh and others (SC. 2178, 1993) makes Elementary Education a fundamental right and states that: *“The citizens of this country have a fundamental right to education; the right follows from Article 21. This right however is not an absolute right. Its content and parameters have to be determined in the light of Article 45 and 41. In other words, every child citizen of this country has a right to Free Education until he completes the age of fourteen years. There after his right to education is subject to limits of economic capacity and development of the state.”* (Supreme court Decision, 1993)

1994- The ‘Common Minimum Program’ of the united front Government resolves to make the Right to Free and Compulsory Elementary Education into a fundamental right and to enforce it through suitable statutory measures. It sets up a committee (Saikia Committee) to examine this proposal.

1997 (Jan.) - The report of the committee of state education ministers on implications of the proposal to make Elementary Education a fundamental right (Saikia Committee Report) recommends: *“The constitution of India should be amended to make the Right to Free Elementary Education up to the 14 years of age, a fundamental right. Simultaneously, an explicit provision should be made in the constitution to make it fundamental duty of every citizen who is a parent to provide opportunities for Elementary Education to all children up to 14 years of age.”* The committee also recommended the amendment of existing state legislation on Compulsory Education.

1997 (July)- The constitution 83rd Amendment Bill, 1997, tabled in the Lok Sabha. The 83rd Amendment Bill Proposed: *“After Article 21 of the constitution, the following article shall be inserted, namely 21A, the state shall provide free and compulsory education to all citizens of the age of 6 to 14 years. The right to free and compulsory education under clause (1) shall be enforced in such manner as the state may by law, determine. The state shall not make any law, for free and compulsory education under clause (2), in relation to the educational institutions not maintained by the state or not receiving aid out of state funds.”*

Article 35 of the constitution shall be renumbered as clause (1) of that article and after clause (1) as so renumbered and before the explanation, the following clause shall be inserted, namely: *“The competent legislature shall make the law for the enforcement of Right to Free and Compulsory Education referred to in clause (1) of article 21A within one year from the commencement of the constitution (83rd Amendment) Act 1997: provided that a provision of any law relating to free and compulsory education in force in a state immediately before the commencement of the constitution (83rd Amendment) Act, 1997, which is inconsistent with the provisions of article 21A, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier.”*

Article 45 of the constitution shall be omitted. In article 51A of the constitution, after clause (j), the following clause shall be added, namely: *“(K) to provide opportunities for education to a child between the age of six and fourteen years of whom such citizen is a parent or guardian.”*

1997 (Nov.)- The Department related parliamentary standing committee on Human Resource Development submits report to both houses of parliament, and recommends that the bill be passed subject to changes recommended by it. The major recommendations of the committee related to:

- Retention of Article 45 to the 0-6 age group.
- Clause (3) of the proposed Article 21 A relating to private institutions may be deleted.
- The Centre should prepare a simple legislation with some skeletal framework which may also indicate the central share in the financial burden. The details can be formulated by the respective states according to their requirements. The Central government may therefore consider working out the necessary legislation.

2001- The third Bill was amended, and re-introduced as constitution (93rd Amendment) Bill 2001 in the parliament with the following provisions:

- I. After Article 21 of the constitution, the following Article shall be inserted namely:
“21-A– The state shall provide free and Compulsory Education to all children of the age of 6-14 years in such manner as the state may, by law, determine.”

II. For Article 45 of the constitution, the following shall be substituted, namely:

“the state shall endeavor to provide early childhood care and education for all children until they complete the age of 6 years.”

III. In Article 51A of the constitution, after clause (j), the clause (k) shall be added, which states-

“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 6 and 14 years.”

The constitution 93rd Amendment Bill, 2001, was discussed and passed by unanimous vote in the Lok Sabha on 27th of November, 2001 and by the Rajya Sabha on 14th of May, 2002. It again went back to the Lok Sabha for approval of the Clause to amend the date of the Bill to 2002.

According to the Article 368 of the constitution, there was no need for notification by the state legislatures. After the Bill received the president's assent, it becomes the 86th constitution amendment Act. It now remains for the 'State' to determine 'by law' as required by the new article 21A, the manner in which Free and Compulsory Education is to be provided to all children in the 6-14 years age group. The new law, as recommended by the parliamentary standing committee, shall be a central legislation. It is anticipated that this shall be the first central legislation on Elementary Education.

After all of it follow up legislation to the 86th Amendment

2003- The Free and Compulsory Education for children Bill 2003.

2004- The Free and Compulsory Education Bill 2004.

2005- The Right to Education Bill 2005 (CABE Bill)

2006- Model Bill 2006- In the next step to RTE Act there was set up a model Bill to know the opinion and responses of various agencies, educationists and governments.

2007- Bill prepared by Law Ministry.

2008- Revival of CABE 2005 Bill (introduced in Rajya Sabha, Dec. 15, 2008)

2009- The Right of Children to Free and Compulsory Education Act 2009-

Passes through parliament

20th July: Rajya Sabha

4th August: Lok Sabha

26th August: President's Assent

27th August: Gazette Notification

After a long process and journey of years at last the final bill come in existence on August 4, 2009 as the RTE Act 2009 and was published in the Gazette of India on August 27, 2009. The RTE Act has come in effect from April 1, 2010. Now it is a constitutional duty of every state to provide Free and Compulsory Education to every child of 6-14 years age group and it is fundamental right of every child to receive Free and Compulsory Education of the age group 6- 14 years age group.

Introduction of RTE Act 2009

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) is an Act of the parliament of India enacted on August 4, 2009, which describes the modalities of the importance of free and Compulsory Education for children between 6 to 14 years in India under article 21A of the Indian constitution. India becomes one of the 135 countries to make education a fundamental right to every child. The Act came into force on April 1, 2010. The title of the RTE Act incorporates the words 'Free' and 'Compulsory'. Free education means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by appropriate government, shall be liable to pay

any kind of fee or charges which may prevent him or her from pursuing and completing Elementary Education. 'Compulsory' education casts an obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of Elementary Education by all children in 6 to 14 years age group. With this Act, India has moved forward to a right based framework that cast a legal obligation on the central and state government to implement this fundamental child right as enshrined in the Article 21A of the constitution, in accordance with the provisions of the RTE Act.

Conclusion

After the review of efforts made for Free and Compulsory Elementary Education in India, it can say that the journey was very long and tough. Although, today Elementary Education is fundamental constitutional right of every child of age group 6 to 14 years, mentioned in Article 21A of India constitution. Education in the Indian Constitution is a concurrent issue and both Centre and State can legislate on the issue. The Act lays down specific responsibilities for the Centre, State and Local bodies for its implementation. The State have been clamoring that they are not capable to deliver education of appropriate standard in all the schools needed for universal education due to lack financial capacity. Thus, it was clear that the central government will be required to subsidize the states. For implementation of the Right of Children to Free and Compulsory Education Act 2009 the government has notified a more favorable fund sharing pattern of 65:35 for Centre and State and 90:10 for NE states applicable from 2010-11. The Right for Free and Compulsory Elementary Education may be mile stone if implementation is made in proper way.

References

1. Agrawal, J. C. (2002). *Landmarks in the History of Modern Education Indian Education*. Delhi: Vikas Publishing.
2. Basu, A. (1992). *Education in Modern India: A Brief Review*. New Delhi: Cosmo Publication.
3. Constitutional Amendment Bill 83rd (1997). (Retrieved from: <http://www.educationforallinindia.com/page144.html>). On January 20, 2019.
4. Constitutional Amendment Bill 93rd (2001). Insertion of new Article 21A. (Retrieved from: <https://www.educationforallinindia.com/page166.html>). On June 11, 2020.
5. Constitution of India (1949).
6. Dasgupta, A. K. (1993). *A History of Indian Economic Thought*. London: Routledge.
7. Desai, D. M. (1953). *Universal, Compulsory and Free Primary Education in India*. Bombay: Indian Institute of Education.
8. Ghosh, S. C. (1989). *Education policy in India since Warren Hastings*. Calcutta: NayaProkash.
9. Government of Bombay. (1859). *Report of the Director of Public Instruction, Bombay, for the year 1857-58*. Bombay: The Education Society Press.
10. Howell, A. (1872). *Education in British India*. Calcutta: Office of the Superintendent of Government Printing.
11. Hunter Commission Report (1882). (Retrieved from: https://byjus.com/free-ias-report/#:~:text=The%20Hunter%20Commission%20of%201882,education%20was%20made%20to%20Ripon.)) on February 19, 2020.

12. Juneja, N. (2003). *Constitutional Amendment to Make Education a Fundamental Right: Issues for a follow up legislation*. New Delhi: National Institute of Educational Planning and Administration.
13. Long, J. (1868). *Adam's reports on vernacular education in Bengal and Behar*. Calcutta: Home Secretariat Press.
14. Mukerji, S. N. (1964). *Education in India: Today and Tomorrow*. Baroda: Acharya Book Depot.
15. Naik, J. P. (1942). *Studies in Primary Education* (First series). Bombay: The Local Self-Government Institute, Bombay Presidency.
16. Naik, J. P. (1978). *Educational Reform in India: A Historical Review*. Bombay: Orient Longman: Bombay.
17. Natesan, G. A. (1920). *Speeches of Gopal Krishna Gokhale* (3rd ed.). Madras: Author.
18. Natesan, G. A. (1916). *Speeches of GopalKrishanGokhale* (2nd ed.). Madras: Author.
19. Nurrulah, S. & Naik J. P. (1970). *A Students' History of Education in India (1800-1965)*. Bombay: Macmillan.
20. Mali, M. G. (1989). *Education of Masses in India*. Delhi: Mittal Publication.
21. Mukerji, S. N. (1951). *History of Education in India: Modern Period*. Baroda: Acharya Book Depot.
22. Rawat, P. L. (1959). *History of Indian Education*. Agra: Ram Prasad Publication.
23. Riddick, J. F. (2006). *The history of British India: A chronology*. London, England: Praeger.
24. Right of Children to Free and Compulsory Education Act (2009). Gazette of India, August 27, 2009. (Retrieved from: https://legislative.gov.in/sites/default/files/A2009-35_0.pdf). On April 27, 2019.
25. Saikia Committee Report (1997). On Right to Education. (Retrieved from: <http://docs.manupatra.in/newslines/articles/Upload/14E6D700-6AAB-4675-B644-69AEB5F6F02D.pdf>). On February 11, 2020.
26. Sharp, H. (1920). *Selections from Educational Records, Part I (1781-1839)*. Calcutta: Superintendent Government printing.
27. Sen, J. M. (1941). *History of Elementary Education in India*. Calcutta: The Book Company.
28. Siqueira, T. (1952). *The Education of India: History and problems*. Bombay: Acharya Book Depot.
29. Supreme Court Decision (1993). The Supreme Court judgment in the case of Unnikrishnan J.P. vs. State of Andhra Pradesh and others. (Retrieved from: <https://www.escri-net.org/caselaw/2006/unnikrishnan-jp-ors-v-state-andhrapradesh-ors-cited-1993-air-217-1993-scr-1-594-1993>) On March 10, 2020.
30. UN Convention on Child Rights (1992). (Retrieved from: <https://www.unicef.org.uk/what-we-do/un-convention.childrights/>). On March 11, 2020.