
Challenges for Right to Education to students of Government Schools all over India: Legal Discourse

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ABSTRACT: *Education is an indicator of relative intellectual development of a person. It integrates knowledge with the intellectual capacity in order to provoke vibrations of thought. The development of science and technology, the philosophy in the form of Vedas, Qurans, Bibles and other religious texts, the contemporary method of civilized social order, all inheres from cognitive skills of mankind. These cognitive skills have been nurtured and further inculcated by the concept of education. However, the COVID-19 pandemic induced lockdowns forced closure of educational institutions in India as well as in other countries of the World. There can be general division of students of private schools based on comparatively better economic standards than those of the Government schools. Such classification is manifest from the different types of fees charged by a private school and the 'free and compulsory education' guaranteed in the Government schools. This economic disparity in reach to quality education is countenanced by the Right to (Free and Compulsory) Education Act 2009 which is applicable throughout the country. This paper endeavours to provide an alternative mode of conduct of regular school classes particularly for the Government schools all over India with the sole objective of greatest good of greatest number. Such an initiative would further the implementation of RTE Act in more effective and transparent manner. The paper endeavours to critically analyse the provisions of the RTE Act and provides certain initiatives or suggestions for the more feasible delivery of education in the Government schools. The research work is based on doctrinal method.*

KEYWORDS: Right to Education; 'live' online classroom; sustainable development goal; literacy; numeracy.

INTRODUCTION

If we have to bring Quality in the Nation, we need to begin at the roots i.e. in schools". Dr. A P J Abdul Kalam.¹ The results of 2011 census reveal that there has been an increase in literacy in the country.² A bare perusal of these statistics purports that twenty-five out of thirty-six states in our country have literacy rate greater than 75%.³ This increase from 65.38% according

¹CBSE School Quality Assessment and Assurance, available at: <https://www.cbse.gov.in/cbsenew/documents/CBSE%20School%20Quality%20Assessment%20and%20Assurance.pdf> (last visited 13.02.2022).

²<https://knowindia.india.gov.in/profile/literacy.php#:~:text=In%20the%20censuses%20prior%20to,males%20and%2065.46%20for%20females.> (last visited 14.02.2022).

³<https://www.indiacensus.net/index.php> (last visited 31.10.2021).

to the last census of 2001⁴ positively reflects the success of aspirations of the Right to (Free and Compulsory) Education Act 2009 (hereinafter 'RTE Act'). However, the female literacy in rural areas rose from just 46.70% in the year 2001 to 57.93% in the year 2011.⁵ These statistics therefore, necessitates re-contemplation of the implementation mechanism of the RTE Act to ensure increase in the overall literacy rate. 92% of the Government schools are yet to implement the RTE Act.⁶ There are roughly 100 million illiterate children in India.⁷ Special initiatives and outreach programmes are required to bring these children into the mainstream.⁸ The mid-day meal scheme of 1995 and the Samagra Shiksha program, Sarva Shiksha program, etc. 60 lakh children are still out of school.⁹ It is imperative to note that the RTE Act envisages free and compulsory elementary education for all students belonging to weaker sections or disadvantaged groups and is not restricted to that belonging to Scheduled Castes, Scheduled Tribes and other backward classes.¹⁰

Efforts of State/ Central Government to Implement RTE Act:

(A) Sarva Siksha Abhiyan- It was initiated to create awareness among candidates of the age group of six to fourteen years to go to schools and attend classes. The Sarva Shiksha Abhiyan(SSA) programme, operational since 2000-2001, aims at the universalization of elementary education in a time bound manner.¹¹ Although the original targets of bridging all gender and social category gaps by 2007 and achieving universal retention at the elementary education level by 2010 have yet to be achieved, the programme remains in force as one of the largest education initiatives in the world.¹²

(B) The Rashtriya Madhyamik Shiksha Abhiyan (RMSA), launched in 2009, aims at enhancing access and improving the quality of secondary education by removing gender, socio-economic and disability barriers and making all secondary schools conform to prescribed

⁴https://www.indiabudget.gov.in/budget_archive/es2001-02/chapt2002/chap106.pdf (last visited 31.10.2021).

⁵ see https://www.censusindia.gov.in/2011-prov-results/data_files/india/Final_PPT_2011_chapter6.pdf#page=14 (last visited 01.03.2022).

⁶ <https://www.oxfamindia.org/featuredstories/10-facts-illiteracy-india-you-must-know> (last visited 31.10.2021).

⁷ Sam Pitroda et al., *National Knowledge Commission (NKC) of India: An Overview*, page 4, available at: http://eprints.rclis.org/7462/1/National_Knowledge_Commission_Overview.pdf (last visited 13.02.2022).

⁸ibid.

⁹ibid.

¹⁰This is provided in Section 2(d) and (e) of the RTE Act which reads: Section 2(d): “child belonging to disadvantaged group” means a child with disability or a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification; Section 2(e): “child belonging to weaker section” means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification; This provision is also reflected in the National Education policy 1986 for which the Report states in para 3.4.8, page 33: The 1986-1992 NPE endorsed the concept of a National System of Education in which all students, irrespective of caste, creed, location or sex, would have access to education of a comparable quality up to a given level; see Report of the Committee for Evolution of the New Education Policy, *National Policy on Education 2016*, published by Ministry of Human Resource and Development, Government of India, dated 30.04.2016, available at: <https://www.cbgaindia.org/wp-content/uploads/2016/06/New-Education-Policy-2016.pdf> (last visited 13.02.2022).

¹¹see *Id* at para 3.4.26, page 36.

¹²ibid.

norms.¹³ The principal objectives were to increase the total enrolment rate from 52% in 2005–06 to 75% over the five year period from 2009–2014 by providing a secondary school within a reasonable distance of any habitation.¹⁴ The programme aims to provide universal access to secondary level education by 2017, i.e., by the end of the 12th Five Year Plan and achieving universal retention by 2020.¹⁵

(C) Mid-day meal scheme: India is a agrarian society. Some of the rural/ urban farmers usually engage their child in fields or in any other work so as to gain some more money or two-times meal in a day. Article 39(e) of the Constitution of India expressly prohibits the child labour and states that 'the State should direct its policy towards securing that the tender age of children must not be abused and that citizens are not forced by economic necessity to enter avocations not suited to their age or strength'.

Therefore, government introduced Mid-Day Meal scheme for the students attending the classes in the government schools all over the country. With a view to enhance enrolment, retention and attendance and simultaneously improving nutritional levels among children, the National Programme of Nutritional Support to Primary Education (NP-NSPE) was launched as a Centrally Sponsored Scheme on 15th August 1995, initially in 2408 blocks in the country.¹⁶ By the year 1997-98 the NP-NSPE was introduced in all blocks of the country.¹⁷ It was extended in 2002 to cover children studying in centres running under the Education Guarantee Scheme (EGS) and Alternative & Innovative Education (AIE) Scheme and Madarasas/Maktab.¹⁸ The scheme has been further extended to Upper Primary Schools in 2006-07.¹⁹ Since, 2009-10 the scheme covers children studying in National Child Labour Project (NCLP) Schools also.²⁰

(D) Introduction of Article 21-A by the 86th Constitution Amendment Act 2002: The 86th Constitution Amendment Act, 2002 introduced Article 21A to the Constitution of India which states: The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

(E) Introduction of Article 15(5) by the 93rd Constitution Amendment Act 2005: Article 15(5) of the Constitution of India provides that 'Nothing in Article 15(1) shall prevent the State from making any provision, by law, for the advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes in relation to their admission in educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30.' This Article strengthens Article 46²¹ to the Constitution of India.

¹³*Id* at para 3.4.27, page 36.

¹⁴*ibid.*

¹⁵*ibid.*

¹⁶ http://mdm.nic.in/mdm_website/ (last visited 14.02.2022).

¹⁷*ibid.*

¹⁸*ibid.*

¹⁹*ibid.*

²⁰*ibid.*

²¹ Article 46 to the Constitution of India states:

(F) Samagra Siksha Scheme: The Union Budget, 2018-19, has proposed to treat school education holistically without segmentation from pre-nursery to Class 12.²² Samagra Shiksha - an overarching programme for the school education sector extending from pre-school to class 12 has been, therefore, prepared with the broader goal of improving school effectiveness measured in terms of equal opportunities for schooling and equitable learning outcomes.²³ It subsumes the three schemes of Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE).²⁴

Right to (Free and Compulsory) Education Act 2009: An Overview:

The RTE Act was enacted to strengthen the obligation of State to provide elementary education to the citizens of India from the age of six to fourteen years and was in pursuance of the constitutional obligation of State under Article 21-A of the Constitution of India. This Act was enacted in order to provide a particular set up/ standard for education to the children. The following provisions of the RTE Act provide some of its salient features, viz.–

(A) Duty of Appropriate Government-

1. to ensure neighbourhood school as specified in section 6;
2. to develop and enforce standards for training of teachers under section 7(6)(b);
3. to provide infrastructure- section 8(d);
4. to ensure good quality elementary education – section 8(g).

(B) Duty of Every Parent/Guardian- to admit their child/ ward in the nearby primary school-section 10. This provision is in pursuance of the fundamental duty enshrined under article 51A(k)²⁵ to the Constitution of India.

(C) Privileges To Children Getting Education Under This Act-

1. No child shall be denied admission due to lack of age proof- section 14(2);
2. No child be charged capitation fee and must not be subjected to any screening procedure²⁶ during the admission process;
3. No child shall be held back in any class (section 16) and no child shall be punished²⁷;

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

²²<https://samagra.education.gov.in/> (last visited 14.02.2022).

²³ibid.

²⁴ibid.

²⁵ Article 51A(k)²⁵ to the Constitution of India states:

It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward, between the age of six and fourteen years.

²⁶*Mohini Jain v. State of Karnataka*, AIR 1992 SC 1858; *J.P. Unnikrishnan v. State of Andhra Pradesh*, AIR 1993 SC 2178 wherein the Hon'ble Supreme Court held: "When the State permits a private body or an individual to perform the said function it is its duty to ensure that no one gets an admission or an advantage on account of his economic power to the detriment of a more meritorious candidate." This is because Education can never be purchased.

²⁷ Section 17(1) of the RTE Act specifically provides that 'No child shall be subjected to physical punishment or mental harassment'.

4. Social Justice- Section 8(c) of the RTE Act provides that the child belonging to weaker section and to disadvantaged group shall not be discriminated against and prevented from pursuing and completing the elementary education on any of the grounds.

Suggestion for Post Pandemic Elementary Education:

The pandemic COVID 19 necessitated online classes for students in both private and government schools. Even the institutions of higher education like University of Oxford have transformed the whole learning curriculum online. Therefore, based on the success of online education, I suggest the integration of online courses for all students of Government schools. This would particularly offer substitute for study and would continue their studies in times of non-fulfillment of vacancy of teachers, geographically isolated schools which are disrupted due to conditions of extreme weather, or where the students are forced to cross rivers²⁸, climb hill tops in order to attain education.

This suggestion is imperative for the following reasons:

1. Section 8(c) of the RTE Act provides that the appropriate Government shall ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds; Section 9(c) of the RTE Act further mandates the local authority²⁹ for ensuring absence of any discrimination against the child belonging to weaker section and to that of disadvantaged group. These provisions are in consonance with Article 15(4)³⁰ and (5)³¹ of the Constitution of India which is a part of the equality clause.
2. Section 9(h) of the RTE Act provides that every local authority shall ensure good quality elementary education conforming to the standards and norms specified in the Schedule to the

²⁸ This is necessary for fulfilment of SDG 4.5 which states: By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable including persons with disabilities, indigenous peoples and "children in vulnerable situations"; It would be imperative to note that the Hon'ble Bombay High Court took suo motu cognizance over a news item, on the issue of crossing rivers and hill tops by students for education in India, published by news channel *India Today* which reads: India Today impact: Bombay HC takes cognizance of Mumbai Tak report on children crossing dam to reach school, available at: <https://www.indiatoday.in/law/story/india-today-impact-bombay-hc-cognizance-mumbai-tak-report-children-crossing-dam-satara-1907000-2022-01-31> (last visited 14.02.2022); Girl students rowing across dam to reach school prompts Bombay High Court to take suo-motu cognizance, available at: <https://www.barandbench.com/news/girl-students-rowing-across-dam-to-reach-school-bombay-high-court-takes-suo-motu-cognizance> (last visited 14.02.2022).

²⁹Section 2(h) of the RTE Act defines the term local authority.

³⁰Article 15(4) of the Constitution of India states:

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

³¹Article 15(5) of the Constitution of India states:

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

RTE Act. It further mandates the local authority to ensure admission of children of migrant families³²;

3. The coaching classes for entrance examinations conducted by the Union and various State Public Service Commissions, etc. is in operation for emancipation of the students belonging to Scheduled Castes, Scheduled Tribes and other backward classes.³³ This goal of providing equal opportunities to the weaker sections in the sphere of public employment as envisaged by Article 16 of the Constitution of India could be strengthened by effective implementation of the provisions of elementary education under the RTE Act;

4. The National Education Policy 2020 requires the institutions of higher education to strive for excellence in the research and equip students for the same. This could be pursued only on the basis of increase in literacy rate and quality education among the students of Government schools;

5. The Government of Maharashtra announced closure of primary schools (run by Government) where ten or less than ten students are attending the regular classes.³⁴ Similarly, the Hindustan Times reports that about 72,212 posts of teachers are lying vacant in the primary and upper primary schools of Uttar Pradesh.³⁵

6. Section 11 of the RTE Act requires the appropriate Government³⁶ for providing necessary pre-school education to students above the age of three years. This provision requires necessary infrastructure for such pre-school education in each of the districts and blocks of rural areas;

7. Section 12(1)(b) and (c) of the RTE Act mandates the schools which are aided as well as not aided out of Government funds to provide free and compulsory elementary to a minimum of twenty-five per cent students belonging to weaker sections or to that belonging to disadvantaged group. The first admission eligibility in those schools³⁷ is from class 1 and the

³² Section 9(h) of the RTE Act states:

'Every local authority shall ensure good quality elementary education conforming to the standards and norms specified in the Schedule';

³³ <https://www.thebetterindia.com/160874/chhattisgarh-state-education-policies-future/> (last visited 14.02.2022).

³⁴ <https://www.firstpost.com/india/in-maharashtra-over-10000-childrens-right-to-education-in-jeopardy-as-govt-to-shut-down-schools-with-10-or-fewer-students-4260151.html> (last visited 14.02.2022).

³⁵ <https://www.hindustantimes.com/cities/others/acute-shortage-of-teachers-ailing-govt-primary-upper-primary-schools-in-up-101628185254426.html> (last visited 14.02.2022). It would be pertinent to note the statistics provided for the schools under the Directorate of Education, Delhi Administration which states:

'In the order dated 14/01/2010, we noted that 5302 posts of trained graduate teachers, 216 posts of Principals and a large number of posts of Vice-Principals are lying vacant. These posts are lying vacant since 2007'. see (2011) 7 SCC 55 at 58, para 2.

³⁶Section 2(a) defines the term appropriate government.

³⁷ Section 2(n) of the RTE Act states:

"school" means any recognized school imparting elementary education and includes-

- (1) a school established, owned or controlled by the appropriate authority or a local authority;
- (2) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;
- (3) a school belonging to specified category; and
- (4) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority'.

Therefore, Section 12 of the RTE Act aims for twenty five per cent direct entry of students of the government school, i.e. schools specified in category of section 2(n)(1) of the RTE Act.

minimum student enrolment is up to twenty five per cent of the strength of the class.³⁸ Therefore, it is probable to anticipate that all the students of Government schools or those belonging to the criteria in sections 2(d) and (e) of the RTE Act could not receive admission even if they apply for the same in all the private schools in any State. Similarly, the further ingress of students, i.e. after the completion of class 1 or subsequent classes, may not entitle the number of new students for fresh admission equivalent to the number of students admitted in class 1 in the respective private schools. This ambiguity in admission for elementary education therefore, requires the schools run by 'Government' exclusively to provide education in accordance with the provisions of the RTE Act and not be dependent on the private or unaided schools.

8. Further, in terms of education of students after attaining the age of fourteen years, the RTE Act subjects the extension of resource base in terms of expenditure to the State Governments exclusively. Therefore, the students would have no option except to prepare for the next year, for admission, if they are denied admission in the private schools or, the school unaided by the government, on the basis of results of the entrance examination of those schools, after their completion of elementary education.

9. Section 17 of the RTE Act mandates that no child shall be subjected to physical punishment or mental harassment. Though, this provision is primarily meant for unaided schools which are obliged to provide elementary education according to the RTE Act but it also applies to the Government schools.

10. the institutes of higher education in the discipline of 'law' offers students enrolled, in a particular institute, to receive education from their corollary institutes of higher repute within the time period of course and also receive students of the latter institution as a part of their exchange programme. These exchange programmes could be devised with the Government schools that maintain higher standard, other private schools or schools in foreign countries. The examples are: the Damodaram Sanjivyya National Law University Vishakhapatnam offers exchange programmes with NLSIU Bangalore. Similarly, the students of Afghanistan are pursuing their higher education from institutions abroad with the help of such technological devices.³⁹

11. UNESCO and UNICEF are striving for quality education and increase in the literacy rate in various States throughout the country and are offering books printed by their organizational setup to the students. Such organizations could be collaborated for effective online and offline educational outreach programmes.

12. The Government of Chhattisgarh has distributed mobile handsets to all the voters especially those belonging to rural places as a part of its election campaign for the Vidhan Sabha elections in the year 2018. Similarly, television and computers have been distributed as a part of election campaigns by the ruling government in Andhra Pradesh.

13. University Grants Commission has reiterated the integration of inter-disciplinary education with the main stream course. The online integrated study would offer students to study innovative courses like Happiness class⁴⁰, yoga classes, etc.

³⁸ This raises an issue for immediate concern because 80% of all recognized schools at the elementary stage are government run or supported all over the country; see *Infra* note 46.

³⁹ Dainik Bhaskar newspaper dated 27.10.2021, Bilaspur, Chhattisgarh edition.

⁴⁰ It would be worthy to note that a special Happiness class has been organised in a Government School at Delhi during the visit of then President of United States Mr. Donald Trump with his family in the month of January 2020.

I would like to further suggest that in pursuance of the closure of liquor shops in the national highways, such shops should be closed in the precincts of government schools in order to ensure safe environment for female education.

Live Classroom Lectures Could be More Efficient than Video Lectures?

This paper advocates dissemination of live class room lectures to the students of Government school rather than the dependence on video lectures or the e-content. The online live classroom lectures has been compared with the video lectures on following grounds:

1. the video lectures are restricted by the limitations of separate electronic gadgets for each student, seamless internet connection and could be comparatively much expensive for students in the rural hinterlands;
2. the video lectures are individualistic in form whereas the live classroom lectures aim for the general classroom;
3. the live classroom lectures provide opportunity to the students to take part in the general classroom discussion during the lectures. It would be imperative to note that the form of lecture in a video recorded instrument is highly professional and aims to demonstrate a particular topic of subject according to the wishes of the institution which has authorized to prepare the lecture;
4. a live classroom lecture is more closely related to the contents of syllabus and is designed, in parts, in the hierarchy of level of mental development or relative harshness of the topics. Such lectures could transform themselves according to the questions posed by the students and takes care of their intellectual ability with reference to the previous level of education.
5. a live classroom lecture could offer additional subjects like vocational Arts, Music, Vedic science, etc. and the subjects that are limited in a government school due to infrastructural constraints like Computer Science. Also, more than one regional language could be offered to the students depending upon the place of institution from where the live lecture session is being organized.
6. Most of the lectures designed for pre-primary and primary classes are in the form of an animated video. These animated videos do illustrate a concept in more exemplified manner than any typical classroom lecture, thus it takes more time to demonstrate introduction, etc. for the institutional setup which has authorized to prepare the lecture. Further, an animated video lecture could not transform itself into higher levels of subject area depending upon the intellectual ability of its students whereas a live lecture could be more akin to the audience being improvised.
7. A live class room lecture moulds itself according to the 'taste' of climate, type of weather, occasion, festival or other exigencies of time and teaches the thought of social order and practice in such change of circumstances. Such live lectures are more feasible for a teacher to teach the practical realities of life which may not be specifically covered in the syllabus but are an essential component of the curriculum.⁴¹ These lectures could promote classroom discussion on issues of national and international importance reported in the newspapers and electronic media.

⁴¹ It would be essential to mention that the University Grants Commission has specifically provided a separate head for (i) Outside classroom interaction with students', (ii) 'Teaching innovation including preparation of innovative course, use of innovative methodologies for teaching including bilingual/multilingual teaching' in its calculation of the 'Academic Point Index' score. Such guidelines are available in the website of University Grants Commission, i.e. <https://www.ugc.ac.in/> (last visited 01.03.2022).

Thus, it is live class room lecture series that, in my view, could better provoke different faculties of a student/s in comparison to a video lecture or an animated video lecture.

Criteria for Ranking of Universities all Over the World:

For the purposes of brief analysis of the reasons which may step-in an institution in a higher pedestal in the rank of top universities, the ranking criteria of QS World Universities, Times Higher Education have been perused. The ranking criteria of the 'QS World Universities' is based on four components⁴², i.e. (i) Academic reputation, (ii) Employer reputation, (iii) Research citations per paper and (iv) H-index. Similarly, the ranking criteria of Times Higher Education provides following components⁴³:

- (i) Teaching (the learning environment): 30%**
 - Reputation survey: 15%
 - Staff-to-student ratio: 4.5%
 - Doctorate-to-bachelor's ratio: 2.25%
 - Doctorates-awarded-to-academic-staff ratio: 6%
 - Institutional income: 2.25%
- (ii) Research (volume, income and reputation): 30%**
 - Reputation survey: 18%
 - Research income: 6%
 - Research productivity: 6%
- (iii) Citations(research influence) 30%**
- (iv) International outlook (staff, students, research): 7.5%**
 - Proportion of international students: 2.5%
 - Proportion of international staff: 2.5%
 - International collaboration: 2.5%
- (v) Industry income (knowledge transfer): 2.5%**

These indicators reflect the work efficiency and management of an institution. However, these are model parameters for an ideal institution. The parameters cited in the head of teaching, or the parameters like international outlook and industry income reflects the relative strength of a mature institution with reference to that of a young institution. But the parameters like international outlook and industry income are only indirectly related to the academic know how and intellect of the university. The reason for such critic on the parameters of these ranking agencies is not to comment on their methodology of ranking but to decipher that the institutions are ranked on parameters akin to but different from mere academic 'dissemination of

⁴²<https://www.topuniversities.com/subject-rankings/methodology>(last visited 07.02.2022).

⁴³https://www.timeshighereducation.com/sites/default/files/breaking_news_files/the_2022_world_university_rankings_methodology_31082021_final.pdf (last visited 07.02.2022); Also, following criteria have been classified in general terms which are a part of any of the ranking institution all over the World: (i) Academic reputation; (ii) Graduation rates; (iii) Research citations and papers published; (iv) Internationality of faculty and students; (v) Employer reputation; (vi) Student to faculty ratio; (vii) Industry income; (viii) Award winners; (ix) Funding offered to students; available at: <https://www.mastersportal.com/articles/2023/5-reasons-why-university-rankings-are-not-perfect.html> (last visited 07.02.2022).

knowledge'. Further, these parameters are determinants of academic repute of Universities and institutions of higher education. They are not applied for assessment of any school level institution. However, these could be considered to be model parameters and have been referred in this paper in order to anticipate the impediments for their fulfillment to an optimum extent for the government schools all over the country. From curriculum planning and student-teacher ratio to safety, lighting, sanitation, transportation, etc., there are a number of parameters which determine the rank of a Central Board of Secondary Education affiliated school.⁴⁴ It could be specifically stated that these parameters integrate sophistication of resource based living atmosphere and academic standard but in a developing country like India, in order to ensure 100% literacy for all citizens and fulfillment of the other goals for excellence in higher education recognized by the University Grants Commission in its various notifications, the latter strand of better academic standard requires more immediate emphasis and could be strengthened to some extent by the method devised in this paper.

Importance of Online Live Classrooms for India:

The initiative of live class room classes are of considerable importance for the following reasons:

1. United Nations Sustainable Development Goal (hereinafter 'UN SDG') 4.1⁴⁵ and 4.2⁴⁶ emphasize on quality primary and secondary education for all students by 2030;
2. UN SDG 4.6⁴⁷ aims to ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy by the year 2030. So, the goal purports that basic numeracy and literacy are a challenge in India and in different parts of the World.
3. there are infrastructural deficits in Government schools all over the country and the challenges like high drop-out rates, school closure, non-academic burden, etc.⁴⁸
4. India's literacy rate increased for about 5.07% from 2011 to 2018.⁴⁹
5. It could be difficult to implement the rigours of infrastructural and resource based standard for all Government schools within a decade in order to ensure implementation of UN SDG 4.2 by 2030. The early childhood development, care and pre-primary education envisaged by this goal is provided recognition by Article 45 to the Constitution of India which states: "The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years." Also, section 11 of the RTE Act requires the appropriate

⁴⁴ CBSE School Quality Assessment and Assurance, available at: <https://www.cbse.gov.in/cbsenew/documents/CBSE%20School%20Quality%20Assessment%20and%20Assurance.pdf>, pages 3-8, (last visited 13.02.2022); <https://www.nirfindia.org/parameter> (last visited 11.02.2022); These criteria are demonstrated in detail in case of ranking of universities by the National Institute Ranking Framework (NIRF), available at: https://www.nirfindia.org/Docs/Ranking_Methodology_And_Metrics_2017.pdf (last visited 11.02.2022). Also see: <https://nvshq.org/colleges/top-schools-in-india/> (last visited 11.02.2022).

⁴⁵ UN SDG 4.1 states: By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

⁴⁶ UN SDG 4.2 states: By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education;

⁴⁷ UN SDG 4.6 states: By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.

⁴⁸ <https://www.insightsonindia.com/social-justice/issues-related-to-education-sector/primary-education-in-india/challenges-faced/> (last visited 07.02.2022).

⁴⁹ <https://www.macrotrends.net/countries/IND/india/literacy-rate> (last visited 12.02.2022).

Government to make necessary arrangement for providing free pre-school education for the children from age of three to six years.

6. Most of the students are enrolled in the Government schools in India rather than the private schools.⁵⁰ As compared to 12% in 1947, the overall literacy rate in India in 2011 was 74%, with a male literacy rate of 82.1% and a female literacy rate of 65.5%.⁵¹ However, the level is well below the world average literacy rate of 84% and India currently has the largest illiterate population in the world.⁵² While the Gross Enrolment Ratio (GER) is satisfactorily high, the quality of education, in terms of learning outcomes, is undeniably poor, particularly in the government school system.⁵³ This is a matter of serious concern, since approximately 80% of all recognized schools at the elementary stage are government run or supported.⁵⁴

7. the National Education Policy aims to ensure dissemination of education in mother tongue up to class fifth for both public and private schools throughout the country.⁵⁵

So, time has come when the developing countries and in particular India should endeavour to implement this initiative of online live class rooms. In my view, the difference of codified law in the words of Sir Jeremy Bentham, *to be without a code, is to be without justice*⁵⁶ is the stage of enactment of RTE Act which has already been accomplished. Now, the statement of Plato, 'Harmony for Plato is inner balance of mind not capable of rational analysis'⁵⁷, should be accorded due importance for implementation of the provisions of the RTE Act by the initiative of live class rooms.

NCERT on Online Education and International Collaborations for Educational Excellence:

National Council for Educational Research and Training (hereinafter 'NCERT') Annual Report 2018-19 published in February 2020 provides that: International Relations Division (IRD) carries out various activities⁵⁸ in conformity with the NCERT's role to promote international

⁵⁰ In 2013-14, the total enrolment at the elementary level (grades I-VIII) in India was 19.89 crore, including 12.1 crore in government schools, and 1.1 crore in aided schools. ASER (Rural), 2014 found that 96.7% of children in the age group 6- 14 years were enrolled in schools in rural India. The survey also found that around 31% of rural children attend private schools. see Report of the Committee for Evolution of the New Education Policy, *Supra* note 10.

⁵¹ *Id* at 37.

⁵² *ibid*.

⁵³ *Id* at para 3.5.15, page 39.

⁵⁴ *ibid*.

⁵⁵ Page 14 of National Education Policy 2020, published by Ministry of Human Resource Development, Government of India, available at: https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf (last visited 14.02.2022). Also, see https://ruralindiaonline.org/en/library/resource/national-education-policy-2020/?gclid=EAIaIQobChMI8OLrtO7_9QIV0VBgCh28dAPZEAAYASAAEgIC_PD_BwE (last visited 14.02.2022).

⁵⁶ M.P. Jain, *M.P. Jain Outlines of Indian Legal and Constitutional History* 420 (Lexis Nexis Butterworths Wadhwa Nagpur, 6th edn. 2006, reprint 2009).

⁵⁷ W. Friedmann, *Legal Theory* 7 (Stevens and Sons, London, 5th edn. 1967).

⁵⁸ Broadly, these activities are: (a) Facilitate exchange of information between the NCERT and various agencies and institutions abroad; (b) Facilitate signing of MoUs between the NCERT and such overseas agencies and institutions as are willing to do so and maintain such records; (c) Discharge responsibility as the Academic Secretariat of the National Development Group (NDG) constituted in 1979 by the MHRD under the aegis of the UNESCO's Asia Pacific Program of Educational Innovations for Development (APEID). As part of these activities, the division hosts visiting delegations from abroad and facilitates consultations and cooperation in the

cooperation in the field of school education.⁵⁹ In recent years, NCERT has signed MoUs with the institutions like Academy of Korean Studies, Republic of Korea, Curtin University, Perth, Australia and Mauritius Institute of Education, Mauritius covering different areas of school education.⁶⁰ Also, the Council initiated the process of signing MoUs with similar leading educational institutions in the countries viz., Bhutan, Nepal, Sri Lanka, Bangladesh, Afghanistan, Germany and Indonesia.⁶¹

It would be imperative to note that the syllabus of higher secondary education has been prepared by the NCERT by reference to the syllabus of the subject of economics in twenty different countries.⁶² This also affirms that the basic course framework of any discipline of studies is universally the same and it is only the content of course which is decided by the respective education board according to the different levels of study, i.e. classes in primary, secondary or higher secondary levels. Therefore, the students in a particular level of study could be benefitted from the education delivered in any other school for the same level of study.

It is imperative that e-learning has been promoted by the Digital India project of Government of India and SWAYAM portal has been launched. Similarly, the MHRD and NCERT have launched portals like E-PATHSALA, ITPD AND NROER.⁶³ There are e-Resources for School and teacher education⁶⁴, ICT integrated curricular activities for students⁶⁵, etc.

Whether Social Welfare Democratic Government Could Take Aid of Private Institutions?

There could be a philosophical question, whether a socialist State that sanctions and regulates the establishment, operation and functioning of every private institution could inhere the fruits of it for the parent institution which is being operated under the sole authority of the State itself? This question requires consideration with reference to the role of State in implementation of *laissez-faire individualism*⁶⁶ which emphasizes on negative role of the State and advocates

areas of; (i) formulation of national education policies, (ii) development of national curriculum frameworks, (iii) organisation of pre-service and in-service teacher education programmes, (iv) formulation and implementation of programmes for vocational education, and (e) educational technology; available at: page 12 of NCERT Annual report 2018-19, available at: https://ncert.nic.in/pdf/annualreport/Annual_Report_18_19.pdf(last visited 07.02.2022).

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ see *Id* at page 41-42.

⁶² The study looked into the economics syllabi of twenty countries like Switzerland, California, China, Sri Lanka, United Kingdom, Japan, and different boards like ICSE and IB Boards. The study analysed the diverse features of the syllabi adopted at the secondary and higher secondary stages in different countries. see pages 57-58 of *Supra* note 58.

⁶³ *Id* at Page 81.

⁶⁴ *Id* at page 93.

⁶⁵ *Id* at page 94.

⁶⁶ *laissez-faire individualism* is 'a French term literally meaning "let [people] do [as they choose]," refers to the view that governments should not intervene in the economic and social realm.... ..', available at: <https://www.oxfordreference.com/view/10.1093/acref/9780195082098.001.0001/acref-9780195082098-e-0869> (last visited 14.02.2022); On *laissez-faire* see Pierre Lemieux, *Liberalism and Laissez-Faire in Albert Schatz's Economic and Social Individualism*, available at: <https://www.econlib.org/library/Columns/y2020/LemieuxSchatz.html> (last visited 14.02.2022).

for 'minimum interference of the State in (economic) activities of individuals'. Such impulses could be surmounted on the basis of following rationales:

1. A welfare State is always committed for good governance that ensures social, economic and political justice to its citizens. India is welfare State that in pursuance of its obligation for protection of Fundamental Rights and the directive contained in article 38 to the Constitution of India⁶⁷ could fulfil the initiative for collaboration with the other government and private institutions;
 2. there are numerable reputed Government schools and universities of highest accord, so the government is not required to be dependent solely on private schools;
 3. Article 299 of the Constitution of India authorises the government to contract with public and private enterprises and corporations, in the name of the President⁶⁸ in case of Centre or of the Governor⁶⁹ of State, in case of contract by the State Government.
 4. the Public-private-partnership model⁷⁰ has been accorded due sanction by the policy commission of the Government of India.
 5. the manner in which Government imposes taxes on the personal income of its citizens, takes royalty in cases of excavation of minor and major minerals, etc., from the private corporations and taxes for inter-State transportation of raw-materials and finished products, there cannot virtually be any hindrance in reaping the benefits of private schools, whom it has accorded legal sanction, for realisation of its constitutional obligation;
- Thus, the collaboration by the Government with other institutions, public or private, would be in consonance with the ideals of the Constitution of India.

CONCLUSION

A nation is advanced in proportion to education and intelligence spread among the masses-Swami Vivekanand.⁷¹ Universal Declaration of Human Rights, 1948 emphasises that 'Education shall be directed to the full development of the human personality.' The RTE Act aims to provide free and compulsory education to all children of the age of six to fourteen years. This paper endeavours to suggest the integration of online learning curriculum in addition to the offline mode in operation in order to further strengthen the implementation of the RTE Act. This is essential for other countries⁷² of the World particularly

⁶⁷ Preamble to the Constitution of India provides for social, economic and political justice. Article 38 of the Constitution of India provide for: State to secure a social order for promotion of welfare of the people and recognizes social, economic and political justice to be a directive that is fundamental to the governance of the country.

⁶⁸Article 77 of the Constitution of India provides for Conduct of business of the Government of India.

⁶⁹Article 166 of the Constitution of India provides for Conduct of business of the Government of a State.

⁷⁰The Administration Vertical aims to ensure a smooth and hassle-free work environment, in order to streamline administrative procedures as well as digitise processes. The Vertical is actively working towards deepening the reach of public-private partnerships as the preferred mode for the implementation of infrastructure projects. It seeks to create timebound world-class infrastructure and attract private sector and institutional capital in infrastructure. see <https://www.niti.gov.in/administration> (last visited 14.02.2022).

⁷¹ <https://www.dailyo.in/variety/swami-vivekananda-birth-anniversary-life-teachings-great-chicago-speech/story/1/15063.html> (last visited 01.03.2022).

⁷² The method of collaboration with different institutes for effective 'live' online education could be a measure to serve the students affected by the current Ukraine- Russia war 2022.

South Asia⁷³ in order to accomplish the sustainable development goal (SDG 4) of basic numeracy and literacy by 2030. I hope such an initiative could be a great step in fulfillment of the directive of social, economic and political justice provided in Article 38(1) to the Constitution of India.

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3. V. Dicey, *An Introduction to the Study of the Law of the Constitution* 213 (10th ed. 1959, English Language Book Society and Macmillan and Co. Ltd., Reprint 1967).
4. M.P. Jain, *M.P. Jain Outlines of Indian Legal and Constitutional History* 501 (Lexis Nexis Butterworths Wadhwa Nagpur, 6th edn. 2006, reprint 2009).
5. O.P. Gauba, *An Introduction to Political Theory*, 27 (Macmillan Publishers India Ltd. 5th edn. reprint 2012).

⁷³South Asia alone is home to almost half of the global illiterate population (49%), while 10% live in East and South-East Asia, and 9% in West Asia, with the latter two sub-regions home to nearly one-fifth of the world's illiterate adults. In West Asia and South Asia, adult women are up to six times less likely than men to have basic reading and writing skills. see <https://bangkok.unesco.org/content/literacy-rates-rise-one-generation-next-challenges-remain-region#:~:text=The%20Asia%2DPacific%20region%20has,East%20and%20South%2DEast%20Asia.> (last visited 14.02.2022).