

PRIVATIZATION OF EDUCATION AND RIGHT TO EDUCATION IN INDIA

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ABSTRACT

Education is an integral component of development which leads society towards social-economic development. However, educational returns depend on certain important things like universalization of elementary education, skill based education, quality education, equal access to formal education and equality of opportunity for success. Since 1991 private players have made significant contribution in increasing school market in India. However, increasing number of schools is not the panacea for universalization of elementary education. Privatization has created social injustice in society by increasing disparity in educational opportunities along socio-economic lines which has resulted in the violation of the right to education of the marginalized group. This privatizing approach goes against the objectives of the directive principles of the Indian constitution. This paper examines how privatization has adversely affected 'right to education' of marginalized groups. It is argued that privatization of education has resulted in the exclusion of marginalized groups from the mainstream of school life. The larger discourse which surrounds privatization process is that it is largely benefiting middle and upper class children and thereby reproduces elite structure of society.

Keywords: Privatization of education, Right to Education, Education, Marginalized Group, Equality of Opportunity.

1. INTRODUCTION

Education is an important component of human capital formation (Mehrotra 2005) and capability enhancement (Sen 2000). It is recognized as an important tool for bringing constructive and inclusive changes (Walker & Unterhalter, 2007; Hopper, 2012). Thinkers like Durkheim (1961) Parsons (1961) Davis and Moore (1967) argue that education plays an important role of 'socialization' and 'role allocation'. However, thinkers like Bowles and Gintis (1976) Althusser (1971) Ivan Illich (1973) view education as an institution serving the interests of the powerful

and see curriculum as an instrument of it. Education no doubt plays a crucial role in developing a particular skills, knowledge and ideology among people it is because of this important role of education that it remains embedded in socio-political conditions and face several criticisms. In any society the returns of education depends upon two important criterions: first 'equal access to education' and second 'equal opportunities for success' (Saito, 2003). However, in a society like India where inequalities are structured and discriminations are institutionalized, there remains a question mark on 'equality of educational opportunities' with respect to access and eventual benefits.

Privatization is a process, which can be defined as the 'transfer of assets, management, functions or responsibilities previously owned or carried out by the State to private actors (RTE project, 2014). Privatization originated from two important theories i.e. 'theory of firm' and 'theory of property right'. The former argues that individual or groups of individual should be treated act as an autonomous economic agents of a firm (Coase, 1937) while the later claimed that state has no role in regulating the process of production and an individual can exercise his property rights as among the agents of the economic system (Pejovich, 1990). In 'wealth of the nation' Smith (1776) popularized the idea of privatization. This work invites a thriving capitalist system where individuals are fully capable to regulate prices for goods and services in the nation. The capitalistic mode of production was challenged by Karl Marx (1867) who argued that in a capitalistic society, capitalist tries to accumulate wealth of individuals in every possible ways. He suggested the socialistic mode of production for equity in society. Privatization is an economic and functional transaction theory where the state is sometimes incapable of managing a crisis in the economy. Functional transaction theory emerged from 1970s energy crisis when states like US, Canada, countries of Western Europe, Japan, Australia and New Zealand were heavily affected and faced substantial petroleum shortages which led to major economic crisis in their economies. These states were incapable of continuing with the welfare activities in large-scale sector to manage the 1973s oil crisis. And to tackle these types of economic recessions, the functional transaction theory gave birth to the market-driven economy in place of public welfare economy. This functional theory became the window for the market- driven privatization. In this process, privatization speeded all over the world (Steel & Heald, 1982).

History of privatization of education in India starts from Indian Education system popularly known as Hunter Commission of 1882. The commission recommended growth of indigenous schools with grand in aid system for them. It further says that it shall be the duty of the government to establish one high school in every district and after that the expansion of secondary education in that district should be left to private enterprise. With LPG policy initiated in 1991 in India role of private actors significantly increases in educational field.

India adopted the structural adjustment programme and neo-liberal policy in 1990's with that the government transferred its authority to the private domain (Singh, 2000). Most countries adopted the principles of market-driven economy in their educational system (Williams, 1995). India too was pushed to adopt privatization of its education system (Tiwary, 2008). In this transition, it has gradually become impossible for the marginal and poor people to access quality education only the more advantaged sections of the population are able to access the better educational opportunities generated by market forces (Ahmad & Siddiqui, 2003). This process has resulted in the commodification of education.

Private education has been advocated, promoted and supported on many grounds like private schools have been consistently yielding excellent results and it has enhanced the quality of education where as government schools have failed to deliver quality education (Rana, 2005). This privatizing approach is increasingly being questioned by some educationalist with concerns regarding availability of free and compulsory education, quality of education, equality of educational opportunities (RTE project, 2014). It has been argued that its benefits remain confined to few people and perpetuates inequality in society and this privatizing approach goes against the socio economic objectives of the directive principles of Indian constitution. They argue that privatization of education has created social injustice in society by increasing disparity in educational opportunities along socio economic lines which resulted in the violation of the Right to Education of most of the marginalized groups. Here marginalized groups refer to those that have been marginalized from basic education as evident from their performance on basic education indicators. It is not surprising that the list corresponds closely to the commonly acknowledged socially and economically marginalized categories of the SC, ST, minorities, girls and poor (Bhatty, 2014). In 2002, parliament in making the 86th amendment to the constitution added article 21-A which says that education is a fundamental right, which is essential for the well being of the people and makes it mandatory for the state to provide free and compulsory education to all children between the age group of six to fourteen years. Right to education is not only confined to free education but it should be extended to have quality education without any discrimination on the grounds of child's economic, social, cultural background (Basu, 2013). Following from this the RTE was drafted and passed on 27 August, 2009. Right to Education (RTE) Act describes modalities of free and compulsory education under article 21A and specifies minimum norms in elementary schools (both in private and public schools). The underlying objectives of the RTE Act is to provide free and compulsory education to all, to provide and maintain quality education, to ensure that education system should be non discriminatory and should be accessible to all. Section 12(1) (c) of RTE Act require all private schools to reserve 25 per cent seats for socially and economically disadvantaged groups, on the basis of reimbursement which government will provide to private schools for such admissions.

There is also provision for special training to school drop outs to bring them in par with students of same age. It also talks about proper recognition of private schools.

There is considerable research done which suggests that universalisation of elementary education is essential prerequisite for development .The early year of schooling from pre primary up to the end of the primary cycle are the most important phase of a child's development (Ramachandran, 2009). Early years of education laid the foundation of personality development. Compulsory education is one of the essential for the stability of democracy, social integration and to eliminate social evils (Basu, 2013). Keeping the importance of elementary education in mind many countries took various initiatives regarding universalisation of elementary education. In India every citizen has right to free education until he completes the age of fourteen years, beyond that stage, his right to education is subject to the limits of the economic capacity of the state

1.1 Education in India

India, with more than a billion residents, has the second largest education system in the world (after China). Education in India is provided by the public sector as well by the private sector with control and funding coming from three levels; central, state, local. Education fall in the concurrent list that is both central and state government can make laws in educational field. Thomas Babington Macaulay introduced English education in India through his famous minute of February 1835. Historically, Indian education has been elitist. Traditional Hindu education was tailored to the needs of Brahmin boys who were taught to read and write by a Brahmin teacher. Under British rule from the 1700s until 1947, India's education policies reinforced the pre-existing elitist tendencies. Colonial rule contributed to the legacy of an education system geared to preserving the position of the more privileged classes (Indian Educational Report, 2005). Education served as a "gatekeeper," permitting an avenue of upward mobility only to those with resources. Education has traditionally catered to the interests of the higher and upwardly castes. In the nineteenth century, post-primary students were disproportionately Brahmins. Their traditional concern with learning gave them an advantage under British education policies. By the early twentieth century, several other Castes realized the advantages of education as a passport to political power and managed to acquire formal learning. But even today, the vast majority of students making it through middle school to high school continue to be from high-level castes and middle to upper class families living in urban areas. This historical barrier, coupled with the post-independence period, regarding access to education has given rises to many challenges to India. Today India has the largest number of illiterate people in the world where the incidence of illiteracy is high among SC, ST, women, and minority (Government of India, 2011 & Annual Status of Education Report, 2012). There is also a wide discrepancy in the literacy rates of different States. The state of Kerala has achieved 90 percent literacy, while on

the other end, the state of Bihar has only 39 percent literacy rate. Within education field equal opportunities and quality education especially at elementary level has become major concern. There is considerable global as well as Indian research that has established without doubt that investing in the early years is very important (Ramachandran, 2009). Thus there is need to pay more heeds toward elementary education Critics have claimed that India has overly focused upon higher education at the expense of school education and this has contributed to its uneven economic and social development, with the poor largely marginalized from these processes.

2. OBJECTIVES AND METHODOLOGY

The paper has following objectives: (i) To highlight the impact of the privatization of education on the Right to Education of the marginalized groups and: (ii) To suggest measure for the inclusion of marginalized groups in private as well as in public schools.

2.1 This paper has used analytical method and the findings are based on extensive review of other related literature and government reports.

3. FINDINGS AND ANALYSIS

3.1 Privatization of education and elementary education

One of the provisions of Right to Education Act (RTE) is to provide free and compulsory education to all children between the age group of six to fourteen years. However, studies conducted by Ramachandan (2009), Bhatti (2015) reveal that increasing privatization of education stand as an obstacle in the way of the elementary education of the marginalized section. Number of private schools is considerably increasing in India and there is corresponding decline in the proportion of government schools, which are the main source of providing education to disadvantageous groups (Mehendale, 2015). Annual status of education report (2012) recognizes that total number of children enrolled in private schools are about 40 per cent where as in public schools enrollment is 50 per cent, further by 2019 private schools will play major role in imparting elementary education and public school system will be relegated to secondary status in imparting elementary education.

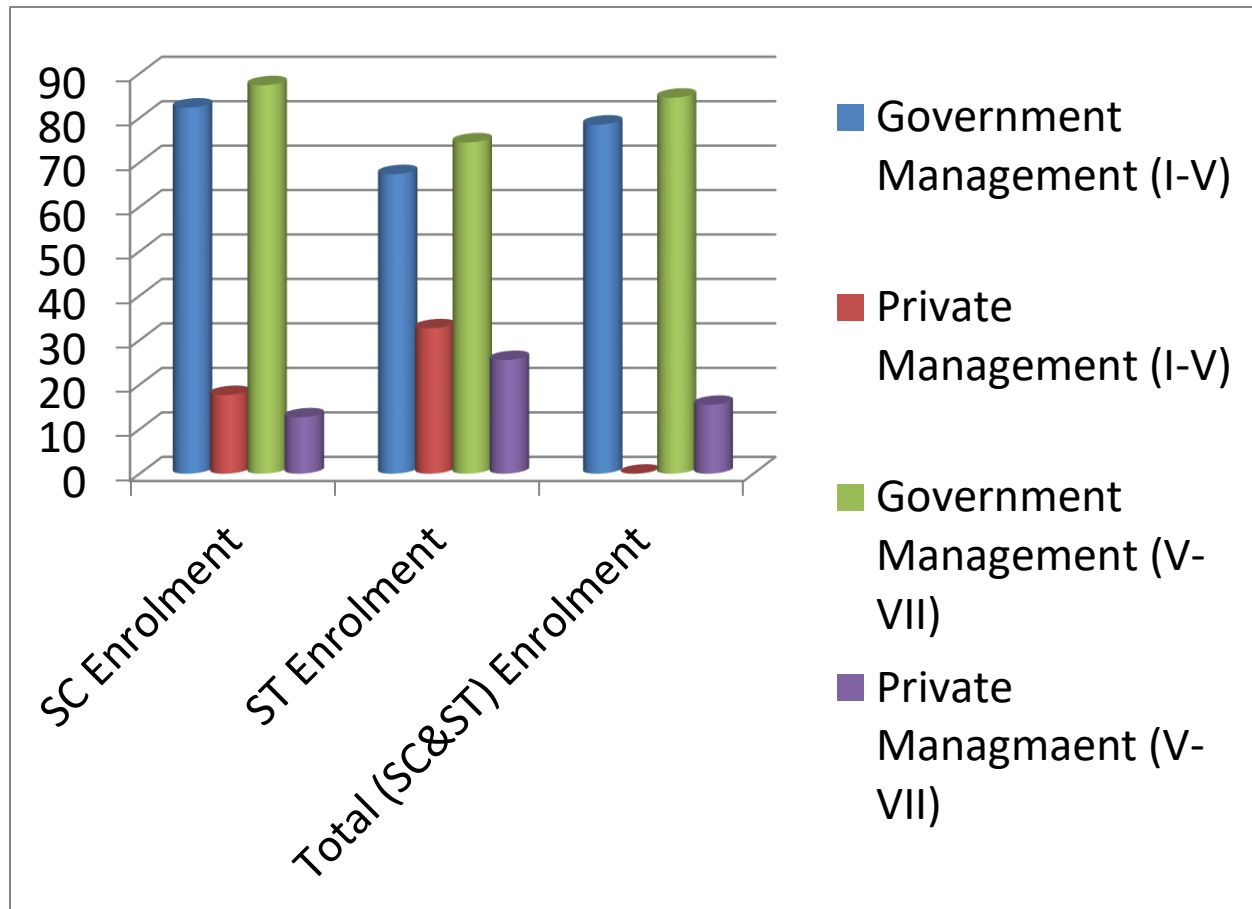
In terms of region much of the eastern India is on relatively lower end of the spectrum when it comes to private schools. There is predominance of private schools from south, while states from west and central India fall in the middle of enrollment in private schools. This increasing role of private actors in elementary education, on the one hand, can pose contradictory situation for the government as Right to Education (RTE) being one of the fundamental right, through the passage of RTE Act, place the responsibility of imparting elementary education squarely on the state (Bhatti, 2014; RTE project, 2014). On the other hand, correspondent decline of public

schools means withdrawal of marginalized section from free and elementary education. Today, India has 270 million poor people and incidence of poverty among Schedule Tribe (ST's), Schedule Caste (SC's) and Other Backward Castes (OBC's) are high (Government of India, 2011). These marginalized groups cannot imagine sending their wards even to low cost private schools because of their financial constraints. Early years of education laid the foundation of personality development, people who receive elementary education are well acquainted about his rights, he becomes more productive, possess better health knowledge than those with no schooling. Research suggests that the output of farmer increases when they receive basic education, participation of people increase in democratic process when they receive basic education (Hopper, 2012). Thus, withdrawal from compulsory education means withdrawal from development process. There is considerable global as well as Indian research that has established without doubt that investing in the early years is very important and currently elementary education has been grossly neglected by the government (Ramachandran, 2009).

3.2. Privatization of education and Inequality of opportunities.

A two track education system has appeared, where local government schools are deemed for poor and private schools are attended by better off social groups. Section 12 (1) (c) of the Right to Education Act, 2009 make it mandatory for private schools to reserve 25 per cent of their seats to the children of socially and economically weak children (Mehendali,2014) This provision was introduced to foster inclusion and to address wide spread disparity in educational system. However, children of marginalized groups like SC's ST's are overwhelmingly enrolled in public schools and very negligible number are enrolled in private schools (Government of India, 2011). The way this policy has been interpreted in private schools have incurred extra burden on marginalized children. Studies conducted by Hill (2011), Mehendale (2014), RTE project (2014) reveal that many private schools remain reluctant regarding admission of marginalized groups in their elite institution, most of the institutions and teachers continue to stick to the status quo, sometime these children are charged fees and other associated costs all this results in their withdrawal from such schools. Hill (2011), argues that children education has become status symbol where economic superiority can be displaced. Children from higher economic status dominate private school enrolment where as lower castes and economically disadvantaged communities are enrolled in government schools. Thus, there exists co-relation between socio economic and choice of schooling where socio-economic background of children determines their choice of schooling. This not only creates indiscrimination in educational opportunity but also perpetuates existing inequality along socio-economic lines.

Share of SC & ST Enrolment in Government Management and Private Management schools (in percentage)



Source: Government of India (GOI) (2011)

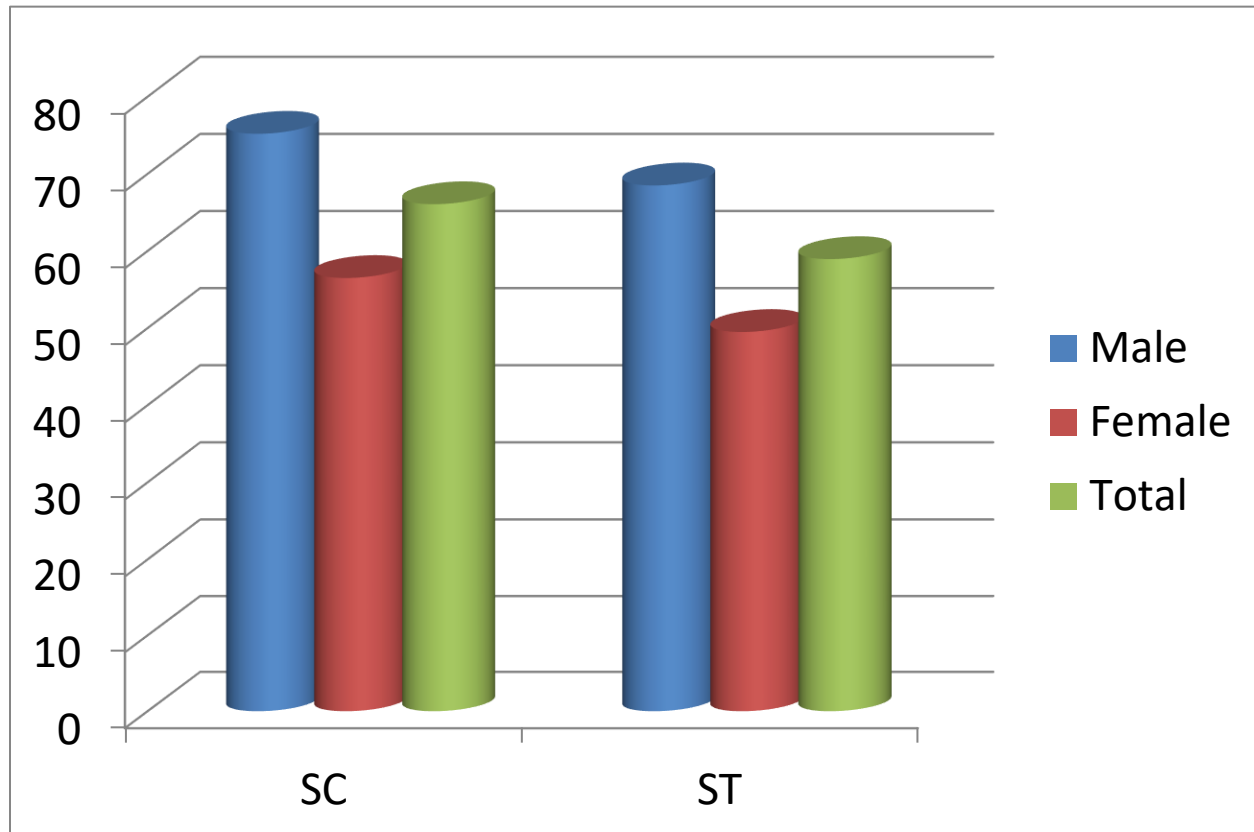
3.3. Privatization of education and Quality Education

The studies conducted Jain (2010), Hill (2011) Ramachandra (2009), Mehendale (2015) and Rana (2015) reveal that parents frequently cited their belief that private education is of better quality than public schools. Annual Status of Education Report (ASER) (2012) also recognizes that students in private schools have better learning outcome than students in public schools. Quality has become synonymous with cost. Although, it is argued that learning outcomes of children in private schools are comparatively better than those in public schools but there also exist hierarchy even within private schools: private schools with high cost are often claimed of providing quality education than private schools with comparatively low cost (Jain, 2010). Further, it is argued that parents believe that even low cost private schools comparatively provide

better quality education than public schools (Hill, 2011). Marx (1867) argued that formal education in capitalist societies exists to solidify the domination of the propertied and powerful ruling class over the non propertied and powerless ruling lower class. Not all communities are equally benefited by the privatization of education. It is rich and middle class who dominate enrollments in private schools and later acquire dominant position in society. This privatizing approach goes against the Article 39(b)-(c) of the Directive Principles of Indian constitution which talks about equal distribution and prevent concentration of wealth in the hand of few. Privatization of education is not availing much benefit to poor and marginalized section. If overall literacy increased rate has increased the incidence of illiteracy is still high among SC's, ST's and women.

As poor lack financial resources, they are often shut out of private schools and are relegated to public schools which are claimed for providing poor quality of education. These poor families, who feel dissatisfied with public schools, find themselves trapped in low quality education with no real choice than to drop out. Thus, quality schools are not accessible to all. Right to education is a right to quality education but poor people remain devoid from quality education. Quality education is essential for the development of human capital; marginalized groups remain at the fringes of quality education which result in there drop out and high incidence of illiteracy. Soubbotina (2004) argues that education is important for the empowerment of marginalized groups, it enable them to undertake their development, to improve their socio-economic position and to acquire rightful place in society. However, high rate of drop out and illiteracy among marginalized groups can exclude them from education process in particular and from development process in general. This give rise to lopsided development, where marginalized groups will continue to suffer inequality, unemployment, poverty.

ST SC literacy rates (in percentage)



Source: Census 2011¹

3.4. Upgrading of RTE Act

When privatization of education comes in conflict with the objectives of right to education, it is essential that state should come out from neo liberal approach and should increase intervention in private schools. The RTE Act is a giant step toward the goal of universalization of elementary education (Akram, 2012). This act impose legal duty on private schools to fulfill children’s right to education in a manner that is decided by the government or this act set certain legal norms on private schools. However, much has been talked about and very less has been delivered. The recommendations of most of the policy documents remain confined to papers and access to school continued to be stratified based on socio-economic lines. Perhaps the biggest challenge faced by the RTE Act is that it has not fundamentally altered the manner in which elementary

¹ Census of India. 2011. Office of the Registrar General & Census Commissioner, India Ministry of Home Affairs, Government of India

education is perceived by those involved with the enforcement of the act (Bhatty, 2014; Mehendale, 2015). There is need of separate cell for the implementation of RTE Act and its various provisions. To start with, such cell should work in close coordination with the relevant department of the state government and should deal with regulation, financial, reimbursement and awareness issues.

Regulation aspect should be extended to scrutinize fee structures, admission procedure, availability of free seats and admission procedure of marginalized section in private schools; focus should be given to streamline admission process for marginalized groups where no registration fee should be charged from them for free seats. Form should be available free of cost and in their regional language. If seats are not fulfilled by SC's they can be filled by ST and vice versa. There should be proper regulation to check quality of education both in private and in public schools where focus should be given to various quality parameters like good infrastructure, teacher qualification, curriculum design, learning aids, teaching aids etc. There should be proper mechanism for the completing elementary education of those who have no access of schooling, who are being forced to drop out. It is essential to ensure proper recognition of private schools, District Information System for Education (DISE) indicates the presence of around 26,000 unrecognized schools across India with total enrollment of around 28.4 lakh children (Mehendali, 2015). These private schools remain devoid from most of the RTE norms.

Bhatty (2014) argues that proper assessment of the financial needs under RTE is yet to be made. There is need of huge investment for improving infra structure, teaching training and teaching aids especially in public schools. Proper funds should be provided both to private schools and public schools for improving quality of education. Study reveals that government often delay reimbursement amount to private schools and sometimes it becomes difficult to attain reimbursement from them (Mehendale, 2015). These acts can stand as an obstacle in the way of implementing provisions of RTE Act.

Several studies reveal that there is lack of awareness among the disadvantaged and weaker section about the provision of the RTE Act and specially the procedure for claiming benefits under the provision (Hill, 2011; Mehendale, 2015; RTE Project, 2014). To reach to marginalized section it is essential to spread awareness regarding this provision via mass media and with the help of various civil society organizations.

3.5 More public schools

It is observed that with increasing privatization inequality along socio-economic lines also increases. Delivering education as a fundamental right is the primary goal of public education where access to education is not limited by any means on the other hand profit often remain main

motive behind private schools where access to education are often limited (Bhatty,2015). Keeping this thing in minds there is need of more public schools. It should be remembered that the right to education is not only confined to free education but right to education means quality education (RTE Project, 2014). Thus, there is need to invest more on improving the quality of public education so that good quality schools should be accessible to all especially to the marginalized groups. Without a significant commitment by the state to improve the quality and reach of government schools dual track education system will continue to persist where by marginalized group will be able to access lowest quality of education and will remain away from education, in particular, and from development process, in general.

4. CONCLUSION AND SUGGESTIONS

Indian education system is characterized by wide spread inequality and exclusion and privatization of education has further entrenched this inequality along socio economic lines. The way privatization of education is occurring in India we can say safely that it going against the equality objectives of the Directive Principles of state policy. With profit as their main motive, these private institutions often shut socially and economically weak section out of their institution, despite number of provision for their inclusion in such institutions. Marginalized groups, because of their financial constraints, often do not get equal opportunity of education and are thus relegated to poor quality public schools. This stands as an obstacle in their way to cherish their fundamental right of education.

Education is an integral component of development, countries that have invested on education, knowledge creation and skill development tended to become most successful in solving their development problems. We have example of many countries like South Korea, China and Singapore where huge state investment on education and prudent reforms in education enable them to combat various development issues related to inequality, poverty, unemployment. However, development returns to education depend on certain important things like universalization of elementary education, skill based education, quality education, equal access to formal education and equality opportunity for success

There is also dire need of quality schools which can be accessible to all. Children from excluded sections, who have access to school, still find themselves excluded in the system as class room practices continue to keep them out and in many instance force them to drop out. Therefore, it is essential to improve equality of public schools and to ensure universalization of elementary education. Quality education is essential for the development of human capital and for taking part in economic process. The wide spread acknowledgement of poor quality in government schools particularly in term of learning, infra structure, teaching student ratio, has contributed generally to a discrediting of the public schools so much so that even the state machinery appears

to be throwing its hand up looking towards private schools for solution directly or indirectly through so called private public partnership. This relying on private schools can pose contradictory situation for government. Education being the fundamental right, place the responsibility of providing elementary education directly on the shoulders of government. Increasing privatization of education is not the panacea for the universalization of elementary education it will continue to enhance inequality along socio-economic lines which can results withdrawal of marginalized section from elementary education. Increasing rate of drop outs and illiteracy of marginalized groups keep them away from the development process and will continue to be trapped in inequality, unemployment and poverty. There is need of policy interventions government should come out from its neoliberal approach and should increase intervention in private schools with respect to the proper implementation of various provisions of RTE Act. If the government will abdicate this space it is poor who will bear the brunt of this neglect. At this junction where government is in process to formulate new education policy it is important to have look on these education issues in order to take country toward the path of social and sustainable development.

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