
EXPLORING THE FLIP SIDE OF RIGHT TO EDUCATION: LIMITATIONS OF A POOR EDUCATION SYSTEM

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ABSTRACT

The article delves into the potential drawbacks of the right to education not being a choice but a compulsion and the limitations of a poor education system. It emphasizes the importance of practical skills and vocational training, especially in underprivileged communities. The article discusses the right to education as a fundamental right and examines the Right to Education Act, 2009, which ensures free and compulsory education for children.

It highlights the potential catastrophic issues posed by a poor education system, such as false sense of competency, unable to learn skills he may have learnt if not forced into schools and a lack of a 'know-how' to implement his education in practical setting. The article explores the concept of forced education and the potential drawbacks associated with its implementation, including a lack of consideration for educational quality and individual needs. It stresses the importance of incorporating vocational education into the curriculum to equip students with both theoretical and practical skills for real-life situations. By citing the views of various scholars and data from various authentic sources the article attempts to shed light on the seriousness of the issue and how

The article concludes by discussing measures to nurture comprehensive education, such as protecting human rights of children through legislation and administrative machinery, implementing curriculum reforms that focus on real-world applications and critical thinking, and enhancing the quality of education through teacher training programs, community involvement and innovative teaching methods.

I. INTRODUCTION

Children are the precious seeds of our society, destined to bloom into future leaders, innovators, and compassionate individuals who will shape our world. As the great poet John Milton once eloquently said, "*Child shows the man as morning shows the day.*"¹ Emphasizing the profound impact early experiences have on shaping a person's character and trajectory in life is important. Yet, ensuring the well-being and the protection of the rights of children is no easy task, as they rely on the collective efforts of society to protect and nurture their growth. In an ideal world, every child would be raised in an environment where their needs are met, their rights are upheld, and their potential is nourished. However, the reality often falls short of this ideal. Children are inherently vulnerable and lack the agency to seek remedies when their rights are infringed upon. Moreover, their limited understanding of their own rights compounds the challenge of guaranteeing their well-being.

The legal framework designed to safeguard children's rights is crucial, but it is not without its limitations. There are still significant gaps in legislation and potentially misguided legislations, improper or partial implementation of laws may at times produce unsought effects.

Education is widely regarded as a fundamental right for children, empowering them with knowledge, critical thinking abilities, and opportunities for personal growth. However, when examining the impact of education systems, it is essential to explore both the benefits and potential drawbacks. We have to start considering the argument that practical skills and vocational training may hold significant value, especially in the context of underprivileged communities. By examining the potential limitations of a poor education system and the importance of practical skills, we aim to provide a nuanced understanding of the complex issues surrounding education.

As a society, we must grapple with these challenges and work towards building a system that prioritizes the comprehensive well-being of our children.

¹ Paradise Regained, by Jhon Milton.

II. RIGHT TO EDUCATION

A. FUNDAMENTAL RIGHT

The Right to Education (RTE) is not explicitly mentioned as a fundamental right under a specific article in the Constitution. However, it is considered a fundamental right under the broader interpretation of Article 21A. It was inserted by the 86th Amendment Act of 2002 and 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.*" This article guarantees the right to education as a fundamental right for children between the ages of 6 and 14. The Mohini Jain Case² provided a ground-breaking interpretation of placing the right to education within the scope of Article 21A. Which was strengthened by the later Constitution bench of the Supreme Court in the Unnikrishnan³ case.

B. RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

The Right to Education (written as RTE hereinafter) Act, enacted in India in 2009, provides a legal framework for ensuring free and compulsory education to all children between the ages of 6 and 14. The Act aims to promote equity, accessibility, and quality in the education system, with a specific focus on elementary education. Under this act, education is considered a fundamental right, and the government has the responsibility to provide free and compulsory education to all children. Compulsory education under the RTE Act means that it is mandatory for parents or guardians to ensure that their children between the ages of 6 and 14 attend school. The Act places the onus on parents to send their children to school, and failure to comply with this requirement can result in legal consequences. Section 9 assigns duties to the local authority to ensure that it provides free and compulsory elementary education to every child, in a neighbourhood school.

The RTE Act establishes certain key provisions to ensure the effective implementation of compulsory education. These provisions include the prohibition of any form of physical punishment or mental harassment in schools, the requirement for schools to meet certain infrastructure and teacher quality standards, and the promotion of inclusive education for children with disabilities. To support the implementation of the RTE Act, various mechanisms

² Miss. Mohini Jain v. State of Karnataka and others, AIR 1992 SC 1858

³ Unnikrishnan, J.P. and Other v. State of Andhra Pradesh and others, AIR 1993 SC 2178

have been put in place, such as the establishment of School Management Committees (SMCs) at the local level to monitor and contribute to the functioning of schools.

III. THE FLIP SIDE OF COMPULSORY EDUCATION

Ensuring the well-being and rights of children comes with a myriad of challenges that require careful consideration and action. One core challenge lies in the poor education system of our country. It hinders children's learning and academic development. It fails to provide them with the necessary knowledge, skills, and opportunities to reach their full potential. Inadequate resources, outdated teaching methods, overcrowded classrooms, and poorly trained teachers all contribute to a compromised learning experience. As a result, children are deprived of the quality education they deserve, which not only affects their academic achievements but also limits their future prospects and opportunities.

A. POOR EDUCATION SYSTEM

A poor education system can impede the development of critical life skills. Education should not solely focus on academic subjects but also equip children with essential skills such as critical thinking, problem-solving, creativity, communication, and collaboration. These skills are crucial for their personal growth, success in the workplace, and active participation in society. One of the significant challenges that arise from a poor education system is the development of a false sense of competence among students. In such a system, students may receive inadequate or incorrect information, leading to misconceptions and a limited understanding of the subjects they study. This false sense of competence can have detrimental effects on their personal growth and future prospects. It can hinder their ability to recognize their own limitations, leading to overconfidence in their abilities. Same situation is also seen in developing countries much like India, The weak quality of education received by most poor children in South Africa places them in permanent disadvantage relative to those attending the mainly more affluent and better performing schools.⁴

B. FALSE SENSE OF COMPETENCY

A false sense of competence may be created within a poor education system through a

⁴ van der Berg, S., Burger, C., Burger, R.P., de Vos, M., du Rand, G., Gustafsson, M., Moses, E., Shepherd, D.L., Spaul, N., Taylor, S., van Broekhuizen, H., & Fintel, D.V. (2011). Low Quality Education as a Poverty Trap. *Political Economy - Development: Public Service Delivery eJournal*.

combination of factors that hinder students' learning and development. Inadequate teaching methods play a significant role in this phenomenon. When the education system relies on outdated or ineffective teaching approaches, such as rote memorization or superficial learning, students may acquire shallow knowledge without truly understanding the underlying concepts. As a result, they may mistakenly believe they have a solid grasp of a subject when, in reality, their understanding is limited.

Moreover, the overemphasis on grades and exams exacerbates the issue. When academic success is solely determined by test scores and grades, students may adopt a narrow approach to learning. They focus on memorizing information to achieve high marks rather than developing a deep understanding of the subject matter. The consequence is that they may believe they are competent in a subject based on their grades, even if their understanding is superficial. Additionally, when teachers themselves have limited subject knowledge or inadequate scholastic skills due to a lack of training, they may inadvertently pass on misconceptions or incorrect information to their students. Students, in turn, trust their teachers' expertise and accept the information provided without question, reinforcing false beliefs. Our education system forces children to carry heavy bags from an early age. Meanwhile, surveys have already confirmed the link between back pain and school bags.⁵

IV. FORCED EDUCATION

We must make a distinction between compulsory education and forced education. Forced education refers to the compulsory attendance of students in an educational institution, typically mandated by law or government regulations. It is a system where children are legally required to attend school, and failure to comply with this requirement can lead to legal consequences for both the students and their parents or guardians. The concept of forced education stems from the belief that education is essential for the development of individuals and societies. It is based on the notion that all children have the right to access education and that it is in their best interest to receive formal schooling. The primary aim of forced education is to ensure that every child has the opportunity to acquire knowledge, skills, and competencies necessary for their personal growth, social integration, and future success. While the intention behind forced education is often noble, there can be drawbacks and criticisms associated with

⁵ Shivani Mandrekar , Heavy School Bags: The Hidden Burden, De Gruyter Conversations. (JUNE, 6, 8:06PM), <https://blog.degruyter.com/heavy-school-bags-hidden-burden/>

its implementation. These criticisms primarily revolve around the lack of consideration for the quality, relevance, and individual needs of students within the educational system. Forced education may require students to attend schools that do not provide adequate resources, quality teaching, or a curriculum that meets the diverse needs of learners.

A. THE VIEW OF CRITICS ON FORCED EDUCATION

Critics argue that enforcing education without addressing the quality of schooling can result in a mere fulfilment of attendance requirements, rather than meaningful learning experiences. The emphasis on attendance and completion rates can overshadow the importance of educational quality and outcomes. This can lead to a disconnect between compulsory schooling and actual learning, where students may simply go through the motions without truly benefiting from the educational experience. Moreover, a one-size-fits-all approach to education can limit the potential for personalized learning and hinder the development of student's unique talents and abilities. a child's right to not to be forced into formal schooling before at least the age of 5 is something that has been totally overlooked. Research has shown that delaying formal schooling shows positive outcomes.⁶ Research has linked creativity and emotional intelligence (EI) to children's academic performance⁷. Stanford research found kids who started kindergarten a year later than average students had 73% better scores on tests⁸. Many other studies also found strong evidence that delaying kindergarten by a year provides mental health benefits to children⁹.

V. IMPRACTICALITY OF FORCED EDUCATION: A THREAT TO CHILDREN

Within the context of a poor education system, one of the significant challenges lies in how compulsory schooling can impede a child's ability to learn practical skills from their immediate environment, such as their father, family, or surrounding community. The rigid structure of formal education often prioritizes theoretical knowledge over practical skills, which can hinder

⁶ Mark Hanly, Ben Edwards, Sharon Goldfeld, Rhonda G. Craven, Janet Mooney, Louisa Jorm, Kathleen Falster, School starting age and child development in a state-wide, population-level cohort of children in their first year of school in New South Wales, Australia, *Early Childhood Research Quarterly*, Volume 48, 2019.

⁷ Michel Hansenne, Jessica Legrand, Creativity, emotional intelligence, and school performance in children, *International Journal of Educational Research*, Volume 53, 2012.

⁸ Chris Weller, Parents may be sending kids to school too early in life, according to Stanford researchers, *Business Insider India* (JUNE, 6, 8:06PM), <https://www.businessinsider.in/parents-may-be-sending-kids-to-school-too-early-in-life-according-to-stanford-researchers/articleshow/57738593.cms>

⁹ The Gift of Time? School Starting Age and Mental Health, by Thomas S. Dee & Hans Henrik Sievertsen. National Bureau of Economic Research,

a child's potential to acquire income-generating abilities and survive in their socio-economic context. When a child is compelled to attend school daily without a curriculum that incorporates practical vocational training, they may miss out on invaluable opportunities to learn skills directly applicable to their surroundings. For instance, if a child comes from an agricultural background, they may have the chance to learn farming techniques, animal husbandry, or sustainable agricultural practices from their father or other family members. These skills are not only relevant to their immediate needs but also hold the potential to become a source of income and self-sufficiency.

A. DANGERS OF IGNORING THE IMPORTANCE OF PRACTICAL KNOWLEDGE

However, when formal education disregards the practical knowledge available within the child's familial or community context, the child's exposure to such skills becomes limited. Instead, they are subjected to a curriculum that focuses primarily on academic subjects, detached from the practical realities of their environment. This imbalance can lead to a disconnection between the knowledge gained in school and the skills required for survival and income generation. In this scenario, the child may spend precious years of their life learning subjects that have little practical application in their immediate reality. They may acquire knowledge in subjects such as history, literature, or advanced mathematics, which, while valuable in their own right, may not directly contribute to their ability to earn a livelihood. This mismatch between the skills imparted in school and the skills needed for survival can create a significant hurdle for individuals seeking to break the cycle of poverty and attain self-sufficiency. Moreover, the emphasis placed on academic achievement within the education system can further exacerbate the problem. The pursuit of high grades and academic success may overshadow the development of practical skills. This pressure often discourages students from exploring their interests and passions outside of the prescribed curriculum. As a result, their ability to learn practical skills from their immediate environment is stifled, limiting their potential for income generation and self-reliance.

It is important to note that education is a multifaceted endeavour that encompasses both theoretical knowledge and practical skills. While academic subjects have their place, the education system should also recognize the significance of practical vocational training that aligns with the individual's environment and socio-economic context. By incorporating vocational education into the curriculum, students can gain a well-rounded skill set that

encompasses both theoretical and practical aspects, equipping them with the tools necessary to navigate the complexities of real-life situations and earn a sustainable income.

VI. NURTURING COMPREHENSIVE EDUCATION: USING MULTIFACETED APPROACHES

Children may lack awareness and knowledge about their own rights, which hampers their ability to advocate for themselves or seek remedies when their rights are violated. Even with appropriate legislation in place, effective implementation remains a pressing challenge. Translating laws into substantial actions requires strong institutional mechanisms and robust enforcement. Inadequate resources, lack of coordination among stakeholders, corruption and other systemic barriers can hinder the effective implementation of child rights protection measures. A poor education system hinders children's learning and academic development. It fails to provide them with the necessary knowledge, skills, and opportunities to reach their full potential. Inadequate resources, outdated teaching methods, overcrowded classrooms, and poorly trained teachers all contribute to a compromised learning experience. As a result, children are deprived of the quality education they deserve, which not only affects their academic achievements but also limits their future prospects and opportunities. Moreover, a poor education system can impede the development of critical life skills. Education should not solely focus on academic subjects but also equip children with essential skills such as critical thinking, problem-solving, creativity, communication, and collaboration. These skills are crucial for their personal growth, success in the workplace, and active participation in society.

A. PROTECTION HUMAN RIGHTS

Human rights cannot be vested with a particular organ and therefore a wide range of mechanisms are necessary. Educational programs, Legislative and Administrative Machinery, Judicial and Political Activism, Devolution of power to the local bodies, and Implementation of legal provisions are required.¹⁰ The establishment and enforcement of laws and administrative machinery are essential for protecting and promoting human rights. Governments need to enact comprehensive legislation that aligns with international human rights standards and provides a legal framework for the protection of rights. Alongside

¹⁰ Human Rights of Women, Children, Other Individuals and Groups by Dr. Karuna Sharma, pg. 87-88.

legislation, administrative bodies, such as human rights commissions or ombudsman offices, can be established to monitor compliance, and investigate complaints.

B. CURRICULUM REFORM

Curriculum reform is a critical aspect of addressing the challenges posed by forced education and poor education systems. A well-designed and relevant curriculum serves as the foundation for delivering quality education to students. It is through the curriculum that students acquire knowledge, develop skills, and cultivate a thirst for lifelong learning. Therefore, a comprehensive curriculum reform is necessary to overcome the limitations of a poor education system and equip students with the skills needed for success in the 21st century. Incorporating practical and real-world applications into the curriculum is an essential aspect of this reform. Education should not be limited to theoretical knowledge but should also focus on the practical application of concepts. By integrating hands-on learning experiences, projects, and case studies, students can understand how their learning connects to the real world. In this way it enhances their problem-solving abilities, critical thinking skills, and creativity, making education more engaging and meaningful. Moreover, fostering critical thinking and problem-solving skills within the curriculum is crucial. In today's rapidly changing world, students must be able to analyze complex situations, think critically, and develop innovative solutions.

To implement effective curriculum reform, collaboration among educators, policymakers, and other stakeholders is crucial. This collaboration allows for the exchange of ideas, expertise, and best practices in curriculum design and implementation. By leveraging the knowledge and experience of professionals in the field, curriculum reform can be guided by evidence-based approaches and successful models from around the world.

C. ENHANCING THE QUALITY OF EDUCATION:

Improving the way we learn is an important step in making education better for students. To achieve this, there are several things we can do to upgrade the quality of education.

- a) Teacher Training Programs: Teachers play a crucial role in shaping students' education. By providing teachers with ongoing training and professional development opportunities, they can stay updated with the latest teaching methods and approaches. This helps them create engaging and effective learning experiences for students.

National Knowledge Commission (2007) in its report held that teachers are the single-most important factor in school education system.

- b) Interactive Learning Environments: Learning shouldn't be limited to just listening and memorizing information. Interactive learning environments encourage students to participate actively in their education. This can include group discussions, hands-on activities, projects, and interactive technologies. By involving students in their own learning process, they can better understand and retain knowledge.
- c) Updated Teaching Methodologies: Educational practices evolve over time, and it's important for teachers to adapt their teaching methods accordingly. Incorporating innovative approaches, such as flipped classrooms, blended learning, or gamified learning, can make education more exciting and effective. These methods encourage critical thinking, problem-solving, and creativity, preparing students for real-world challenges.

C. PROMOTING PERSONALIZED AND FLEXIBLE EDUCATION:

Education plays a crucial role in shaping your future, and it should be tailored to meet your unique needs and interests. A personalized and flexible education system helps in making it possible. In a personalized education system, the focus is on exploring and nurturing your passions. Instead of following a fixed curriculum, you have the opportunity to dive into subjects that truly captivate your interest. Whether it's science, literature, sports, or the arts, you can choose to spend more time studying what you love. This not only makes learning more enjoyable but also allows you to develop a deeper understanding and expertise in areas that truly inspire you.

flexible education is also really important, you have the freedom to choose your learning path. This means you can have a say in the courses you take and the learning experiences you engage in. Whether it's selecting elective subjects or specialized programs, you can shape your education to align with your goals and aspirations. This empowers you to explore different disciplines, pursue your strengths, and discover new talents along the way. Learning becomes more meaningful and engaging when it goes beyond textbooks and classrooms. A personalized education system emphasizes hands-on and real-world experiences. It allows you to apply what you learn in practical ways, solving problems, conducting experiments, and working on

projects. This approach not only deepens your understanding of the subject matter but also develops essential skills such as critical thinking, problem-solving, and collaboration.

Everyone has a unique learning style, whether we are visual learners, auditory learners, or kinaesthetic learners. A personalized education system recognizes and accommodates these differences. Teachers can adapt their teaching methods to cater to different learning styles, ensuring that they can grasp concepts more effectively. This approach allows you to learn in a way that suits you best, making the learning process more enjoyable and effective. By promoting a personalized and flexible education system, we can strive to create an environment.

D. FOSTERING COMMUNITY INVOLVEMENT

One way community involvement can enhance education is by connecting with local experts. These experts could be parents, artisans, professionals, or entrepreneurs who are passionate about sharing their knowledge and skills. They can offer mentorship programs, workshops, and internships, allowing children to learn directly from their experiences. By engaging with these community members, you gain valuable insights and practical skills that go beyond what is taught in textbooks. When schools collaborate with the community, it opens doors to exciting opportunities for vocational training and practical learning. Vocational training focuses on teaching children practical skills that can be applied in specific careers or trades. By partnering with local businesses or organizations, a school can provide you with hands-on experiences in areas like carpentry, gardening, or computer programming. This way, our children can get a chance to explore different career paths and discover their interests and talents.

Community involvement also helps to see the connection between what we learn in school and the real world. By working on projects or participating in community events, children can gain a broader understanding of how knowledge and skills are applied in practical situations. For example, they might collaborate with community members to create a garden or organize a fundraising event. These experiences give them a sense of responsibility, teamwork, and problem-solving, preparing them for life beyond the classroom. Moreover, involving the community in education builds a network of support around them. When community members are actively engaged in their learning, they become invested in their success.

VII. CONCLUSION

Upholding human rights requires a range of mechanisms working in harmony. Educational programs, legislative and administrative machinery, judicial and political activism, devolution of power to local bodies, and the effective implementation of legal provisions are all necessary components of a comprehensive approach. By combining these mechanisms, societies can create an environment that respects, protects, and promotes the inherent dignity and rights of every individual. Ensuring the well-being and protection of children's rights is a collective responsibility that requires us to confront the challenges and limitations of our current education system. While the Right to Education (RTE) Act in India guarantees free and compulsory education for children, there are significant gaps in its implementation and potential drawbacks of a poor education system. The challenges lie in the development of a false sense of competence among students within a poor education system. Inadequate teaching methods, lack of resources, and an overemphasis on grades and exams contribute to this phenomenon. Students may acquire shallow knowledge and misconceptions about subjects, hindering their personal growth and future prospects. To address these challenges, it is imperative to fix the education system through comprehensive curriculum reform. A well-designed curriculum that integrates practical vocational training, critical thinking, and problem-solving skills can equip students with the tools necessary for success in the 21st century. Collaboration among educators, policymakers, and stakeholders is crucial in implementing effective curriculum reform and ensuring that education meets the diverse needs of learners.

However, the responsibility does not solely lie with educational institutions and policymakers. As a society, we must prioritize the comprehensive well-being of children and actively participate in their education. This includes creating awareness about children's rights, advocating for quality education, and supporting initiatives that promote inclusive and practical learning. The legal fraternity's role in this is also very vital as it is our forte to fight for justice with the means proved by the law.

In conclusion, by recognizing the limitations of our current education system, addressing the drawbacks of forced education, and implementing meaningful curriculum reform, we can build a system that prioritizes the holistic development and well-being of our children. Investing in

their education today will not only shape their individual futures but also contribute to the progress and prosperity of our society as a whole.

“Children are like buds in a garden and should be carefully and lovingly nurtured, as they are the citizens of tomorrow. “

– Pandit Jawahar Lal Nehru.