

NAVIGATING EDUCATION AS AN INDUSTRY: BALANCING GROWTH AND SAFEGUARDING RIGHTS

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ABSTRACT

“Education is the manifestation of the perfection already in man.”

- Swami Vivekananda

In India, the education sector reflects a complex landscape where the growth and the safeguarding of rights must be balanced in the right way. The Right to Education (RTE) Act of 2009 explicit the government's commitment to providing free and compulsory education to all children aged 6 to 14 years. However, as education increasingly becomes an emerging industry, both public and private institutions face significant legal and ethical challenges in the country. Public institutions always face issues with funding constraints and resource allocation of the people and equal distribution, while private entities navigate the fine line between profitability and accessibility to the common people. The legality of the education system in India is furthermore complicated by issues such as regulatory compliance, quality standards, and equitable access. Ensuring the right to education needs rapid commercialization and demands advanced legal frameworks and urgent enforcement. This balance is critical to prevent the marginalization of vulnerable populations and to uphold the constitutional promise of education for all. As stakeholders, including the government, educators, and legal experts, engage in this dynamic environment, the focus must remain on fostering an inclusive, high-quality educational ecosystem that prioritizes the rights of every child while supporting sustainable growth and innovation within the industry.

INTERSECTION OF LEGAL FRAMEWORKS INTO EDUCATIONAL PRACTICES

Globally, education is evolving through cross-border exchanges and a reinterpretation of the learning process. Around the world, communities and individuals are being empowered by the waves of change that are sweeping through everything from distant villages tucked away

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in the heart of Africa to busy metropolises in Asia.¹

Education institutions play an immensely important role in the ongoing engagement model inculcated in young people and in emerging a sense of collective responsibility for our common future. That is becoming the key pillar of global citizenship education as well as learning about the rule of law.

The rule of law plays a pivotal role in developing trustworthy institutions and the relationship of mutual trust in institutions, by ensuring they are held accountable, transparent, and accessible to all. Promoting the rule of law requires systems, such as governance and justice, that safeguard human rights and also citizens who are empowered to participate and engage constructively in society.

It must be the utmost priority of the education system to uphold and promote respect for the rule of law, in relation to international human rights and fundamentals for the growth of trust between learners and public institutions.

Moreover, education that complies with the principles of the rule of law can help in developing learners' ability to critically understand crucial elements of accountability, equality, justice, and fairness. For instance, schools can modernize the culture and practice of transparency by creating or implementing a policy of sharing school data with the public. Stimulating the rule of law by taking the assistance of education also helps learners acquire the knowledge, skills, values, and attitudes they need to contribute collectively to society. This assures them to positively and genuinely shape public as well as private institutions and their policies, thereby encouraging non-violent and peaceful avenues of civic engagement²

Governments must encourage education that builds healthy values and attitudes in the next generations, as youngsters play an integral part in developing a culture of lawfulness.

The Organization for Scientific and Cultural Affairs of the United Nations and the Office of the United Nations are working together to create a tool on Drugs and Crime, which will help decision-makers in implementing policies and programs that promote the rule of law via education. It includes guidance and demonstrations of best practices for how the

¹ <https://digitalllearning.eletsonline.com/2023/07/navigating-education-in-a-globalised-world-indias-education-renaissance/>

² <https://www.unesco.org/en/articles/how-education-can-strengthen-rule-law>

education system, in general, may assist young individuals to emerge as active, contributing citizens who make morally responsible choices lead their lives, and act with kindness, empathy, compassion, and decency toward everyone.³

If the law is inculcated into the daily life of children, freedom of speech, assembly, belief, and participation in governance by teachers and students remain an impression in a democratic society, but they have a specific meaning in schools, and those rights pretend to be balanced with responsibilities to others, and the priority of safety and security. The role of the law in education is equally important as to morals and discipline because the growth of a country depends on how many people are educated in it.

People in the field of education are adapting to it as business changes the whole means by corrupt means, but if they have the knowledge of the law, this would be reduced and article 21-A of the Indian constitution in India would be in effect strictly. Whereas fundamental rights are also violated in India without the knowledge of the law.

The knowledge of basic laws amounts to a greater rate of achieving success as the public will act with good conscience.

TRANSFORMING EDUCATION: FROM KNOWLEDGE ACQUISITION TO A THRIVING BUSINESS MODEL

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The system of education has been evolving since time immemorial, in ancient days people used to visit the gurukul or even spend their lives until a certain age in the gurukul to acquire the knowledge required for leading a life. According to Kautilya's arthashastra, the life of a brahmachari i.e. Student life had a great impact on the education of those times. People who undergo the stage of brahmacharya learn the four streams of education that is anvikshiki (intellectual training), Vedas (theology), Varta (economics), and dandaniti (the science of politics) which inculcate the sense of humanity, morals, and discipline into the student and after completion of the period the student would know the value of that education as well as know the basic laws and rules of the society and nature which helped them lead a peaceful life.

³ Marie Moncet "Strengthening the rule of law through education, A guide for policymakers"(2019) UNESCO and United Nations
<https://www.unodc.org/documents/e4j/UNESCO/2795_18_Global_Citizenship_Education_for_the_Rule_of_Law_gris_complet.pdf> accessed on 26 July 2024

The system of education gradually evolved with an intention to spread knowledge and literate everyone, but the change also brought a negative impact on society where people in the 21st century made education an industry to acquire wealth for their livelihood. The evolution of education wasn't negative but, the mindset of people and the greediness in them amounts to the educational business. There are many heinous crimes happening in this educational industry because we have competition. There are some so-called rules followed by educational institutions, which sometimes affect the students' whole career, and the student under pressure does an act which is not of his will and wish.

As India is following the system of mixed economy in the country, the main problem that arises is the classification of institutions into public and private. This system indirectly or even directly impacts the students' lives. By classifying the institutions we create a financial barrier between the public as well as the narrow mindset of people doesn't amount to any jobs for government school children. Society discriminates against the child in such a way that the child will be scared of taking any step in his life. The problem also lies in the lack of knowledge of the schemes and policies by the government for these below-poverty-line people. The institutional difference is enough to understand the situational difference between a government school child and a private student. Though the private institutions run for profit, there is no law giving these institutions to spoil any students' lives. For instance, the private institution plays games when it comes to giving the hall tickets for fees. They may go to a level of instance until the student feels stressed and does a wrongful act. Here it does not mean that the rights need to be violated by the institutions. There should be an equal and supportive mechanism for the private institutions which needs to be initiated by the government for the benefit of people, which should be enforced by each and every institution equally without any kind of discrimination. This innovation of a proper mechanism will help to save many students' careers and lives as well.

THE EDUCATION SECTOR IN INDIA: CHALLENGES AND PATHWAYS TO GROWTH

Opportunities

There are numerous chances to raise the standard of education in India as a result of technological advancements with the pace of the development of the Indian economy. Students can learn and gain knowledge more interactively and effectively than before when

technology is used in the classroom to make them understand the concepts. Additionally, it can aid in granting access to education in isolated places.

To raise the standard of education in India, the government might collaborate with private groups inclusively and also increase public-private partnerships. Funding and experience in the form of private organizations can be made available to enhance infrastructure, teacher preparation, and curriculum development in the emerging educational system of the country.

Whereas, considering all the factors, the most important factor is skill-based education, which should be an ulterior objective of the educational system in our country.

Challenges

Providing all children with access to education, especially children in rural areas, is one of the largest issues that India's educational system faces and is facing. The Ministry of Human Resource Development report clearly states that only one instructor teaches in about 35% of Indian schools. Also, in addition to this, a considerable number of females at a very young age drop out of school as a result of social and economic issues.

Another of the biggest problems in India is the country's educational system. Students' development has not been taken care of and into consideration. The main focus of our educational system lies in the concentration and memorization of the students. The absence of critical thinking comes into play when memorization is given a bigger place than knowledge achievement. The problem of opportunities for teachers to get professional development and training is exacerbated because the process of change takes time, which creates a gap between one generation's education and the others rather the one nation education's is not followed.

Classrooms, libraries, and playgrounds are examples of the fundamental equipment and supplies that many Indian schools lack and still do not implement any policy to build this system due to insufficient funds or many other reasons. This has an immense impact on the kids' overall educational experience in their lives and makes it challenging for them to study in a supportive setting of the Indian educational system.⁴

⁴ "Challenges and opportunities in indian education system" (2023) <<https://www.ekyaschools.com/ekya-blog/challenges-and-opportunities-in-indias-education-system/>>

The government allows a fund for every school in India which is supposed to be spent on kids' education and school infrastructure but there are some cases in which teachers and tehsildars use that money for their personal use by window dressing accounts of their school or department. The fund that is to be used for books, stationery, and sports materials for students is spent by some selfish teachers and school administration on their home expenses. It does not mean that every teacher is corrupt, but some are.

Red Tapism Or Bureaucracy is like a nightmare that never ends. The process, which can be finished in a week, takes months to process. When school demands certain infrastructural development in their schools, they have to wait for years only because of slow bureaucracy. Take the example of one of the schools. The headmaster said that the school was about to experience some infrastructural development because most of the classes were under a tin shed. It was the year 2020 and the building process had started a few months back and it would take a minimum 2 years to complete.

Students don't know what is caste until is they clear 10th the class exam. The segregation game of students on the basis of caste starts from there. In the 11th class, everyone knew who was of which caste. Because of reservations, some unqualified teachers get jobs in the govt.

The goal of universal education is greatly aided by private schooling. To ensure a varied and inclusive learning environment, the Right to Education Act of 2009 requires private schools to set aside 25% of their seats for students from economically disadvantaged groups and sections.

In the 2012 case of Society for Unaided Private Schools of Rajasthan v. Union of India, the Supreme Court maintained the constitutional legitimacy of the 25% reservation provision.

PROVISIONS OF THE RTE ACT 2009

All children between the ages of six and fourteen are to get free and compulsory education, according to the comprehensive legislation known as the Right to Education Act, of 2009. Among the Act's most important clauses are the following:

1. Section 3 of the Act stipulates that all children between the ages of six and fourteen must receive free and obligatory education in a neighborhood school until they have

completed their elementary education.

2. No Discrimination (Section 9): According to the Act, schools are not allowed to treat students differently based on their gender, race, religion, caste, or place of birth.
3. Reservation of Seats (Section 12(1)(c)): The Act mandates that private unaided schools, with the exception of minority institutions, set aside a minimum of 25% of their seats for students from the neighborhood's economically disadvantaged groups and sections.
4. Section 13: No Capitation Fees and Screening: The Act forbids institutions from using any screening processes or collecting capitation fees during the admissions process.
5. Section 17: Prohibition of Corporal Punishment: This section of the Act makes it illegal to physically or mentally abuse children, and it also makes such behavior punishable.
6. Infrastructure and Facilities (Sections 19 and 25): The Act establishes guidelines and requirements for the facilities, infrastructure, and student-teacher ratios in educational institutions. Additionally, it stipulates that within three years of the Act's implementation, all schools must follow these guidelines.
7. No Detention and Continuous Evaluation (Sections 16 and 29): The Act states that until a child completes their basic education, they cannot be detained or dismissed from school. It also mandates that schools use an extensive and ongoing evaluation system to gauge a student's progress in learning.
8. The function of Local Authorities (Sections 9 and 24): The Act gives local authorities particular duties, including making sure that there are neighborhood schools available, supplying infrastructure, and keeping an eye on how the Act is being implemented.
9. Teachers' credentials and Training (Section 23): The Act emphasizes the necessity of frequent in-service training to provide quality education and establishes basic credentials for teachers working in schools.
10. Section 21 of the Act requires government and government-aided schools to establish School Management Committees (SMCs), of which parents or guardians of pupils must make up 75% of the membership. The SMCs are in charge of creating school development plans and keeping an eye on how the schools are run.

The challenges mentioned are not only challenges to the education system but also to the constitution of India. There are many ways in which the public and private institutions violate the rights of the students, which indeed violates Article 21-A of the constitution of India. Thus, the conclusion which can be drawn from this is the educational system of India needs to adapt to the changes and be more flexible than before for a healthy system in the country.

